

Washington, Saturday, October 19, 1963

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[Updated to January 1, 1963]

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Rules and Regulations

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications
Commission

[Docket No. 14503; FCC 63-906]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULA-TIONS

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

Allocation of Assignable Frequencies in the 25-42 Mc/s Band

- 1. A notice of proposed rule making was issued in the above-entitled matter seeking comments in favor of or in opposition to the proposals contained therein. This notice was duly published in the FEDERAL REGISTER (27 F.R. 1495, February 17, 1962) and all timely filings submitted in response thereto have been considered by the Commission in reaching the determinations set forth below.
- 2. The notice was issued as a result of previous Commission actions in Dockets 11253, 12169, and 12295 which concluded, inter alia, that frequencies should be assignable with a separation of 20 kc/s rather than 40 kc/s. Hence, the abovementioned rule parts were amended to provide that as of November 1, 1963, equipment operating in this band, and other bands not germane here, must be capable of transmitting with such frequency separation. Subsequently, peti-tions were filed by Electronics Industries Association (EIA) requesting that 20 kc/s channels be actually allocated and assigned among the various land mobile services, and by Special Industrial Radio Service Association, Inc. (SIRSA) asking that specific 20 kc/s channels be created and that 15 of the frequencies thus established be made available to the Special Industrial Radio Service. It was against this background that this Docket No. 14503 was initiated.

General. 3. Unusually large numbers of comments and reply comments were submitted. Users from virtually every land mobile service sought additional frequencies over and above the figure proposed in the notice. The total number of frequencies requested far exceeds what is available; hence, it is impossible to satisfy completely all of the demands advanced. There is little doubt that a frequency shortage in this band exists and seems to affect users in all of these services although in varying degree. In deciding specific allocations, the Commission has relied on essentially two criteria: (a) how critical is the need of a

particular service?, and (b) does the service because of type of communications involved justify any priority of treatment? Even with rigid application of these standards, it is admitted that the available frequencies are insufficient to meet all needs, however worthy. It is recognized, for example, that in many services there will still be a critical frequency shortage in metropolitan areas. The Commission will continue to explore other avenues in attempting to alleviate the frequency problem.

4. In the proposal, the Commission endeavored to retain the "block allocation" concept. It was thought preferable to make a series of adjacent frequencies available to a single service, even at the expense of requiring certain licensees to change frequency, rather than to intersperse various services. Forest Industries Radio Communications (FIRC), for example, recommended allocation on a "block" basis with a three-year amortization period for those who would thus be required to change frequency. However, a vast majority of the comments disagreed. Their position is that interspersion if done carefully is better than the large scale displacement of existing systems. These comments contended that technical advances in the equipment utilized enable two services to operate on adjacent channels compatibly. The gist of these comments is that as more and more systems modify or replace existing equipment to meet the narrow-band technical standards, interspersion of different services in a given frequency band presents little difficulty. Since the Commission is aware that its proposal would have necessitated a change in frequency for many present licensees and since the comments generally advocate interspersion as opposed to requiring such a frequency shift, the Commission has decided to adopt this approach wherever feasible. It is recognized that this requires a high degree of cooperation between the services which are interspersed; however, technical advances in equipment and superior operating procedures make such an allocation feasible. In doing so, it has almost eliminated the number of licensees who will have to change frequency and thus saves them from incurring financial expense which in many cases, no matter how generous an amortization period is provided, causes a serious monetary problem for the user. In those few cases requiring a frequency change every consideration will be given to easing the impact of such a transition.

5. Many of those who did advocate interspersion requested that only services which require frequency coordination be assigned contiguous channels. These services in which frequency coordination committees function tend toward more orderly and efficient frequency utilization; thus, two such services are better able to coordinate and cooperate in using adjacent frequencies. The

Commission regards this as a valid approach and has generally made frequencies available on an interspersed basis accordingly. In the isolated instances in which such a procedure was not followed, it is anticipated that the needs of the services concerned exist in different geographical areas; therefore, while they will occupy adjacent channels there should not be extensive overlapping usage in any particular locality.

6. The notice of proposed rule making specifically invited comments as to the feasibility of establishing 10 kc/s segments contiguous to the various Government bands in the 25-42 Mc/s frequency range in the form of two 5 kc/s segments which would be made available to the service adjacent to this band. Relatively few filings made reference to this proposal and all these were favorable. EIA did discuss this proposal in some detail and requested that a single 10 kc/s segment rather than two 5 kc/s segments be created. It contended that the current state of receiver selectivity and oscillator stability precludes any economical usage of 5 kc/s segments. The comment further suggested that assignment of these segments be made on a developmental basis only for fixed operations utilizing non-voice emissions. The comment also proposed technical standards concerning frequency stability, power, and frequency deviation for these segments. The Commission agrees to the creation of 10 kc/s segments as suggested; naturally, applicants may use less space if feasible. Also, it seems advisable to restrict such assignments to one-year developmental authorizations until data is acquired indicating more clearly appropriate usages for these segments. For the present, it is not proposed to limit permissible operations on these frequencies specifically, rather these segments will be made available on a case-by-case basis. In light of the foregoing, the establishment of technical standards will not be imposed at this time pending more definite information as to how these bands will be utilized.

Part 10-Public Safety Radio Services. 7. The main thrust of the comments from most of the Police and Fire users and associations was directed toward that part of the proposal which would have reallocated certain frequencies now available to these services to users in the Industrial Radio Service. In the case of the Fire Radio Service, it was proposed to make the frequency band 33.42 Mc/s to 33.68 Mc/s available to the Special Industrial and Business Radio Services. The Police Radio Service stood to lose under the proposal the frequency band 37.02 Mc/s to 37.42 Mc/s to these same Part 11 services. In addition, the proposal would make the frequency band 39.74-39.98 Mc/s available to the Local Government Radio Service.

The comments on this point generally fell into two categories. First, those users who would be forced to change frequency because of the proposal requested that they be permitted to retain their existing frequency. Thus, for example voluminous comments were received from fire users in the New England area which operate on the frequencies 33.42 Mc/s and 33.66 Mc/s. There are approximately 400 base stations and 4,200 mobile units authorized on these frequencies in this area, and it was contended that the proposal to make these frequencies available to other services would result in large scale disruption of essential fire communications. The problem of financing a necessary frequency change was also pointed out with special emphasis on the monetary crisis which affected volunteer fire departments would face. In similar situations in the Police Radio Service, the same type of comments were filed. Virtually every local police system in the State of Iowa utilizes the frequency 37.10 Mc/s (which under the proposal was to be reallocated to the Special Industrial Radio Service), and their filings reflected their need. both operational and financial, for continued use of this frequency.

The second group of comments from these services objected to "losing" frequencies to non-public safety users. It was argued that as a matter of principle services which utilize radio for the safety of life and property and which are engaged in serving the general public should not have their available frequencies diminished for the benefit of commercial users. It should be noted that very few comments expressed any opposition to the contention that Industrial users under Part 11 suffer from a severe frequency shortage, rather it was their general position that relief for those users should be found in other parts of the spectrum. On a more pragmatic basis, it was asserted that the immediate and prospective needs of these public safety services lead to the conclusion that more rather than less frequencies should be made available. While the Associated Public-Safety Communications Officers, Inc. (APCO), conceded that under the proposal the number of frequencies available to the Police Radio Service would remain the same, it claimed that because of the "skip" characteristics of this band the degree of utilization which can be made of 20 kc/s channels is actually substantially less than is now available using 40 kc/s channels. Filings from police and fire users across the country detailed frequency shortages in their areas and in general requested that each Service be given its own "splits" in the 25-42 Mc/s band.

8. As previously noted, the Notice of Proposed Rule-Making predicated frequency allocations on the basis of retention of the "block" concept even though this would necessitate a change of frequency by some licensees. Since, however, it has now been determined that interspersion is preferable, there appears to be no reason to require a change in the frequency now being used by these existing licensees. The potential disruption which might be caused to public safety systems engaged in the protection of life and property plus the

additional cost involved in many instances to tax-supported entities provide sufficient reasons for determining that police and fire users now utilizing frequencies within this band should be permitted to continue such operations provided their equipment will be capable of meeting the narrow-band technical standards as of November 1, 1963. For the reasons set forth below (see paragraph 9, infra), however, it should be noted that as of the effective date of this Report and Order certain of these primary police frequencies will also be available for assignment in the Local Government Radio Service.

In view of the fact that some of these primary police channels will be shared with the Local Government Radio Service, it appears that the needs of the Police Radio users can best be provided for by making available to that service its own "splits." Since those eligible in the Police and Local Government Radio Services are virtually identical and rely on basically similar frequency coordination procedures, interspersion should present no difficulty in terms of frequency usage even where there is relatively heavy operation by both services in a given geographical area.

It would also appear that the needs of the Fire Radio Service justify the assignment to that Service of its own As of November 1, 1963, li-"splits." censees will no longer be able to transmit fire communications on police frequen-While most users in this situation will elect to modify their systems to the Local Government Radio Service, it may be anticipated that a substantial group will establish a separate fire radio system. A study of the Commission's records show that as opposed to most landmobile services in which the trend has been to shift operations from this band to the 150 Mc/s band, the Fire Radio Service has steadily increased its usage in the low band. By utilizing mutual aid plans and by efficient frequency sharing, a majority of state-wide fire operations are conducted on frequencies in this band, and the Commission is of the opinion that a continuation of this practice will be properly carried out by making available these split channels to the Fire Radio Service.

9. The Commission has received comments in this proceeding and letters from public safety users expressing dissatisfaction with the requrement that as of November 1, 1963, fire communications must be divorced from police systems. This reaction in conjunction with the objections submitted from those who under. the proposal would have to change to a new frequency comprised the bulk of the public safety opposition to this Docket. The November 1, 1963, regulation was in particular the target of volunteer fire departments who pointed out that they frequently relied on the police base station for their communications, and that were unable to handle the cost of new equipment. Finally, they contended that the fire and police departments work in such close cooperation that a single system promotes efficiency.

This latter contention, of course, was one of the major reasons for the creation of the Local Government Radio Service in Docket Number 11990. It provides a means whereby such a unified system can be established. However, from the comments received in Docket Number 11990 and from subsequent information, it also appears that a majority of police users favor the requirement and prefer to have police frequencies available for purely police transmissions. The instant proceeding seems to provide a good opportunity for compromise. The Commission's licensing records disclose that there are ten police frequencies in this band which are heavily used for fire communications. In fact, most of the adverse comments were from users of one of these frequencies. Hence, it would appear that an overall benefit would result by making the following frequencies available to the Local Government Radio Service as well as to the Police Radio Service: 37.10, 37.18, 37.26, 39.10, 39.18, 39.50, 39.58, 39.82, 39.90, and 39.98 Mc/s. The effect of this action will be to permit systems which conduct public safety communications in addition to police transmissions on these frequencies to continue to do so. This will further reduce future loading on other Local Government frequencies.1 It is believed that existing police systems operating on these frequencies will also remain; however, should any of them elect to change frequency, the Commission's action herein of making the police "splits" available to the Police Radio Service will enable them to do so at minimum cost and inconvenience.

10. The Forestry-Conservation Radio Service has presently available the frequencies from 30.86 Mc/s to 31.98 Mc/s. The frequencies from 30.86 Mc/s to 31.14 Mc/s are also available to the Urban Passenger Radio Service.2 The proposal would have reallocated these shared frequencies to the Business Radio Service and would also have reallocated the frequencies from 31.64 Mc/s to 31.98 Mc/s. including the split channels therein, to the Local Government Radio Service. The Forestry-Conservation Communications Association (FCCA) objected to the proposed loss of the shared frequencies to the Business Radio Service and also to the planned reallocation to the Local Government Radio Service. It stated that the costs necessary to change frequency would be prohibitive, that the proposed reduction in channels from 29 to 23 would preclude this service from meeting its needs, and that the skip interference in this band limits the usage per frequency to 4 state networks. It argued that Forestry-Conservation should be allocated the frequency band from 31.64 Mc/s through 31.98 Mc/s, and that the lower frequencies including the

¹The Commission will consider in another proceeding the possible expansion of the Local Government Radio Service and if this occurs and depending on the extent, further consideration will be given to the allocation of additional frequencies to this service.

² The "Orban Passenger Radio Service" is part of the Motor Carrier Radio Service (Part 16, Subpart F) rather than a separate service in and of itself. Section 16.251(a) (2) defines the persons deemed to be engaged in rendering urban passenger transit service.

splits should go to the Local Government Radio Service. Other comments from Forestry-Conservation users generally

supported FCCA.

The adoption of FCCA's proposed allocation is not feasible. It would mean the loss to the Urban Passenger Service of the frequencies it now shares with the Forestry-Conservation Service and, as explained below, the needs of the Urban Passenger Service necessitate its retention of certain of its frequencies. That being the case, the possibility of the Local Government Radio Service and the Urban Passenger Radio Service sharing these lower frequencies is also not desirable since the operations of users in these services tend to be in the same urban areas. It should be noted that the present sharing has generally succeeded precisely because the Urban Passenger and Forestry-Conservation Services do not usually operate in the same area.

It is recognized that the Forestry-Conservation Service has continuing radio needs. Since it has been determined that "block" assignments are not essential, it is the Commission's opinion that the Forestry-Conservation Radio Service should be permitted to retain the primary channels it now has available. The present sharing with Urban Passenger of certain of the primary channels will also continue. While this represents no net gain in frequencies for this Service, it is an increase of six channels over the proposal. Further, by this determination it will not be necessary for any existing Forestry-Conservation system to change its present frequency. With regard to the "skip interference" problem mentioned, the Commission would point to the fact that at the behest of users in this Service, and particularly FCCA, frequencies in the 151 Mc/s band were made available in Docket No. 13754. A study of assignments in this band shows that there are ample frequencies available for users who wish to avoid this type of interference.

The split channels in the 30.86-31.98 band, as will be explained in more detail below, have generally been allocated in two segments. Those in the band 30.84-31.16 Mc/s have been made available either to the Business Radio Service or to the Urban Passenger Radio Service. The remaining "splits" (those located between 31.18-31.98 Mc/s) have been allocated to the Special Industrial Radio Service with the exception of two frequencies each limited to 3 watts which have been made available to the Business Radio Service. The Special Industrial Radio Service has frequency advisory Committees which make frequency recommendations and its activities should not overlap to any substantial degree with those of the Forestry-Conservation Radio Service. With proper coordination and cooperation between these two services, there is every likelihood that they can operate compatibly.

11. Several comments objected to the proposal that the Highway Maintenance and Special Emergency Radio Services share the split frequencies between 33.02

and 33.10 Mc/s, and between 37.90 and 37.98 Mc/s. The full utilization of the shared primary frequencies has not been realized, particularly by the Highway Maintenance Radio Service because of a lack of similarity between their respective operations. The California Public-Safety Radio Association, Inc., suggested that one service be permitted to use the primary frequencies exclusively, while the split channels would be made available to the other. However, this would require a change in frequency by a substantial number of licensees which this situation does not appear to warrant. Instead the Commission has determined that this problem may be better solved by making the split channels 33.04 Mc/s and 33.08 Mc/s available exclusively to the Special Emergency Radio Service and making the split channels 37.92 Mc/s and 37.96 Mc/s available to the Highway Maintenance Radio Service on the same basis. Thus, users in these services can elect to modify their systems to an exclusive frequency, or they may continue to operate on their existing channel without incurring equipment costs.

12. In Docket No. 13971, the Commission made the frequency 39.06 Mc/s available to the Local Government Radio Service as well as the Police Radio Service for the control of traffic signals by public safety mobile units. The City of Erie, Pennsylvania, which utilizes this frequency for that purpose requested that the adjacent frequencies be restricted to the same 3 watt power limitation which applies to 39.06 Mc/s, and that this frequency be made assignable without requiring applicants to obtain frequency coordination as required by § 10.8. The need for low power frequencies does not appear to warrant imposing such restrictions on the frequencies 39.04 Mc/s or 39.08 Mc/s. It should be noted that under the determinations reached herein these frequencies are to be available to the Police Radio Service, and this Service has a significant requirement for additional base-mobile frequencies which would not be as well satisfied if these two frequencies were limited in power to 3 watts. However, with respect to the frequency 39.06 Mc/s itself, the Commission agrees that since the transmission range is limited, and thus the likelihood of interference is remote, frequency coordination, as required by § 10.8 of the rules, should not be necessary.

Part 11—Industrial Radio Services.

13. Comments from the users and associations in these Services generally supported the Commission's proposals in this proceeding. Since to a large extent the Commission's determinations are in accord with these proposals, it does not appear necessary to discuss these filings in detail. Instead, the discussion will be limited to areas in which Commission action deviates from the proposal or to that part of the frequency spectrum in which more than one group expressed interest.

14. It should be noted that FIRC's position with regard to interspersion (see paragraph 4, supra) is mainly directed

toward the Commission's proposal concerning the frequency band 37.46-37.52 Mc/s which is allocated to the Power Radio Service but is available to Forest Products in Oregon and Washington, FIRC's point is that the primary frequencies 37.46 Mc/s and 37.50 Mc/s are presently used extensively by the Power Radio Service and that the "splits" will undoubtedly also be used extensively. Because of the interference characteristics of this band, it is contended that the Forest Products' ability to operate on these shared frequencies will be limited. As an ancillary matter, it should be pointed out that this allocation involves the sharing of frequencies rather than interspersion. In any event, the Commission is cognizant of the problem raised by FIRC, and it is believed that a satisfactory solution is available. First, it is proposed to allocate the frequencies between 37.46 and 37.52 Mc/s to the Power Radio Service on an exclusive basis. Secondly, the Commission has determined that the frequencies 37.44 Mc/s and 37.88 Mc/s should be allocated exclusively to the Forest Products Radio Service.

Under the proposal these latter frequencies were to be made available to the Relay Press Radio Service; however, this failed to receive any support in the While the reply comments of record. National Committee for Utilities Radio (NCUR) requested that these two frequencies be allocated to the Power Radio Service, the Commission is also aware of the important need which FIRC presented for frequencies in connection with its fire prevention and weather activities. In view of the Commission's action set forth above with regard to the frequencies 37.46 Mc/s and 37.52 Mc/s and in light of the over-all frequency availability to the two services, the Commission has concluded that the channels 37.44 Mc/s and 37.88 Mc/s should be allocated to the Forest Products Radio Service.

15. The Central Committee on Communications Facilities of the American Petroleum Institute (CAPI) objected to the proposed loss of the frequency band 30.66-30.82 Mc/s (which it now shares with Urban Passenger) to the Special Industrial Radio Service. The comment points out that this action would seriously impair the operations of this service especially in Texas, Louisiana, and along the entire Gulf Coast where petroleum operation is heaviest. Based on this filing and on further analysis of present and potential frequency loading in this Service, particularly in the area referred-to-above, the Commission has modified its proposal. The primary frequencies 30.70 Mc/s and 30.78 Mc/s will be allocated exclusively to the Petroleum Radio Service while the remaining primary frequencies will continue to be available on a shared basis to the Petroleum and Urban Passenger Radic Services since this arrangement has generally worked out satisfactorily in the past. The split channels 30.68 Mc/s and 30.72 Mc/s will be made available ex-

clusively to the Forest Products Radio Service. This will enable the latter service to expand its operations particularly in this same southern and Gulf Coast regions where its activities are also heavy without undue interference to Petroleum communications there. This should, in turn, reduce the impact on Petroleum Radio usage of its frequencies in the 48 Mc/s band which it now shares with the Forest Products Radio Service. In other words, it is anticipated that some of the Forest Products expansion will now take place on these 30 Mc/s split channels and thus the Petroleum Radio Service may better be able to utilize the shared frequencies in the 48 Mc/s band. The other split channels, will be made available to the Business Radio Service.

16. The Commission has concluded that 21 additional frequencies should be allocated to the Special Industrial Radio Service. While this number is less than that proposed, it is in excess of the request for 15 new channels sought by the Special Industrial Radio Services Association (SIRSA) in its original proposal. It should be noted that as of June 15, 1963, many licensees previously eligible to operate in this Service were required to change to another radio service. This date was the termination of a five-year amortization period allowed to users who were affected by the Commission's amendment regarding eligibility in this Service adopted in 1958 in Docket No. This reduction in the number of Special Industrial eligibles coupled with the additional channels allocated herein should be of substantial assistance to this Service to meet adequately its radio needs.

The bulk of the additional channels provided are interspersed between primary frequencies utilized by the Forestry-Conservation Radio Service. As a general rule the activities of these two services are not concentrated in the same geographical areas. Also, both services utilize frequency advisory committees to make frequency recommendations and to provide assistance to potential applicants. It is hoped that the respective committees will cooperate with each other in arriving at their frequency recommendations and that this cooperation will extend to the individual users in instances where an overlap in the locale of their operations may arise.

Part 16—Land Transportation Radio Services. 17. As previously set forth, the proposal to allocate the frequencies from 30.66-31.14 Mc/s which the Urban

part with Petroleum and in part with Forestry-Conservation to the Special Industrial and Business Radio Services has been modified. Instead the Commission has determined that Urban Passenger should be permitted to retain the same number of channels. This determination is predicated on the content of the various filings submitted on behalf of Urban Transit activity and upon a thorough review of the existing loading on the Land Transportation frequencies involved. The comparative loading on these frequencies, however, leads the Commission to conclude that an additional 80 kilocycles of spectrum space cannot be made available at this time exclusively for automatic train control functions as requested by American Transit Association and General Electric. This conclusion, however, should not be construed as a bar to the development of such a system which can be integrated into the frequency allocation determined herein. To encourage and facilitate this development the Commission has altered the frequencies available to this Service to provide for a contiguous block of frequencies from 31.08 to 31.16 Mc/s totaling 80 kilocycles in width. Should automatic train control systems develop to the point at which the additional 80 kilocycles exclusively for this purpose is required, the industry may then advance new rule making petitions for that purpose.

Part 19-Citizens Radio Service. The Commission has determined that the present allocation of the frequencies 27.235 Mc/s and 27.275 Mc/s should be retained rather than permitting the Citizens Radio Service to share in their use. A review of current authorizations on these frequencies shows substantial usage which might be severely impaired if a new service were also permitted to operate thereon. Also there is serious question as to how much usage the Citizens Radio Service would be able to make of these frequencies in light of existing operations. The Citizens Radio Service may, of course, continue to utilize the frequency 27.255 Mc/s.

19. There were two requests for Oral Argument filed during the comment period in this proceeding. One such request from the City of Cleveland, Ohio, was directed toward the Commission's proposal to reallocate the frequency 33.58 Mc/s from the Fire Radio Service to the Business Radio Service. Cleveland utilizes this frequency for its fire mobile operations. Since it has been determined that this frequency should re-

Passenger Radio Service now shares in main available to the Fire Radio Serv-part with Petroleum and in part with reconstruction to the Special In-land's request has been rendered moot.

APCO's request, which was supported by FCCA, was predicated mainly on the Commission's proposal to reallocate certain Police frequencies to the Special Industrial Radio Service. It further objected to the loss of any Public Safety frequencies to other services. The Commission's action herein nullifying the reallocation proposal and enabling public safety licensees to remain on existing frequencies would seem to render this request moot also. It should be emphasized that the Commission is currently considering APCO's petition for a Statutory Inquiry into the frequency needs of the Public Safety Radio Services, and that the disposal of its request in the instant proceeding is without prejudice to that petition.

20. In addition, on June 14th, 1963, the National Committee for Utilities Radio (NCUR) filed a "Petition for Severance" in this proceeding. Basically, the NCUR's petition requested a timely disposition of the matters under consideration in this proceeding; and specifically requested a prompt allocation "* * * to the Power Radio Service (of) at least the ten 20 kc split channels interspersed among the 37 mc primary frequencies in the Power Radio Service block." The relief requested by the NCUR has been essentially granted by our order herein.

Authority for the amendments set forth below is contained in sections 4(1) and 303 of the Communications Act of 1934, as amended.

Therefore, *It is ordered*, That effective November 25, 1963, Parts 2, 10, 11, and 16 of the Commission's rules be amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082 as amended; 47 U.S.C. 303)

Adopted: October 9, 1963.

Released: October 14, 1963.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

§ 2.106 [Amendment]

Section 2.106 Table of frequency allocations, of the Commission's rules and regulations, is amended in respect to the bands 25.01–25.33 Me/s, 27.28–27.54 Me/s, 29.7–29.8 Me/s, 30.56–32 Me/s, 33–34 Me/s, 35–36 Me/s, 37–38 Me/s and 39–40 Me/s, to read as follows, in columns 7 through 11:

	Fede	ral Communications Commi	ssion	
Band (Mc/s)	Service	Class of Station	Frequency (Mc/s)	Nature OF SERVICES of stations
7	8	9	10	11
*	* *	•	•	• •
25. 01-25. 33	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
. •	• •	. *	*	
27. 28-27. 54	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
. •	* *	•	_	* *
29.7-29.8	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
•	* *	•	*	* *
30.56-32	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. LAND TRANSPORTA- TION. PUBLIC SAFETY.
	* *	•	•	* *
33-33.01	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTA-
33.01-33.11	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
33. 11–33. 4	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
33. 4-34	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
*	* *	* •	*	* *
35–35. 2	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
- 35, 2-35, 68	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
35. 68-36	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
*	• •	*	•	* *
37–37.01	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL,
37. 01-37. 42	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
37. 42-37. 88	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
37. 88–38	LAND MOBILE.	Base. Land mobile.	-	PUBLIC SAFETY.
•	* *	*.	•	
39-40	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.

Part 10 of the Commission's rules is amended as follows:

1. Section 10.101 is amended by adding the following paragraph:

§ 10.101 Frequencies.

(1) The frequency bands 31.99 to 32.00 Mc/s, 33.00 to 33.01 Mc/s, 33.99 to 34.00 Mc/s, 37.99 to 38.00 Mc/s, 39.00 to 39.01 Mc/s, 39.99 to 40.00 Mc/s, and 42.00 to 42.01 Mc/s may be authorized for developmental operation to any eligible applicant in the Public Safety Radio Services.

§ 10.255 [Amendment]

- 2. Section 10.255 is amended as follows:
- a. The frequency table in paragraph (g) is amended by deleting that portion beginning with the frequency 37.02 Mc/s and ending with the frequency 42.02

Mc/s and substituting therefor the following:

Frequency or band	Class of station(s)	Limitations
* *	* *	*
37.02 37.04	Mobile Base and mobiledo	Í
37.08	do	
37.12 37.14	do	
37.18	do	l 18
37.22	do do	
37.26	do	18
37.30 37.32	do	
37.36	Mobile Base and mobile	
37.38	Mobile Base and mobile	

Frequency or band	Class of station(s)	Limitations
37.42	Mobile	ł
39.02	Base and mobile	
39.04	do	
39.06	do	17, 18
39.08	0D	
39.10	do	18
39.12	<u>do</u>	
39.16	do	
39.18	do	18
39.20	do	13
	do	
39.24	do	
39.26	Mobile	
39.28	Base and mobile	
39.30	Mobile	L
39.32	Base and mobile	
39.34	Mobile	
39.36	Base and mobile	
39.38	Mobile	
39.40	Base and mobiledo	
39.44	do	
39.46		16, 21
39.48	do	l .
39.50	do	18
39.52	do	
39.54	ld0	
39.56	do	
39.58	do dodo	18
39.60	do	
39.64	do	
39.66		
39.68	Mobile Base and mobile	
39.70	Mobile	
39.72	Base and mobile	
39.74	Mobile	
39.76	Base and mobile	
39.78	Mobile	
39.80	Base and mobile	18
39.82	do	18
	do	
39.88		
39.90	do	18
39.92	do	
39.94	do	
39.96	do	
	do	18
42.02	do	

- b. Paragraph (h) is amended by adding the following new subparagraph:
- (18) This frequency is shared with the Local Government Radio Service.

§ 10.305 [Amendment]

2. Section 10.305 is amended as follows:

The frequency table in paragraph (f) is amended by deleting that portion beginning with the frequency 33.42 Mc/s and ending with the frequency 45.88 Mc/s and substituting therefor the following:

Frequency or band	Class of station(s)	Limita- tions
* *		*
33.42	Mobile and fixed	, 6
33.44		
33.46		
33.48	Base and mobile	
33.50		
33.52	Base and mobile	
33.54		
33.56	Base and mobile	
33.58	Mobile	
33.60	Base and mobile	
33.62		
33.64	Base and mobile	
33.66		
	Base and mobiledo	
33.70	do	
	do	
00.[4 99 <i>76</i>	do	
00.10 99 70	do	
	do	
33.82	do	
33 84	do	
33.86	do	

RULES AND REGULATIONS

Frequency or band	Class of station(s)	Limitations
	Base and mobiledodododo	
33.98	do	

§ 10.405 [Amendment]

3. Section 10.405 is amended as follows:

The frequency table in paragraph (e) is amended by deleting that portion beginning with the frequency 37.90 Mc/s and ending with the frequency 37.98 Mc/s and substituting therefor the following:

Frequency or band	Class of station(s)	Limita- tions
37.90 37.92	Base and mobile	* 6
37.94 37.96	do	6
37.93	do	6

§ 10.462 [Amendment]

4. Section 10.462 is amended as follows:

The table in paragraph (e) is amended by deleting that portion beginning with the frequency 33.02 Mc/s and ending with the frequency 33.10 Mc/s and substituting therefor the following:

Frequency or band	Class of station(s)	Limitations
* * * 33. 02	* * Base and mobiledododo	* 6 6

§ 10.555 [Amendment]

- 5. Section 10.555 is amended as follows:
- a. The table in paragraph (f) is amended by deleting the entry 39.06 Mc/s and substituting therefor the following:

Frequency or band	Class of station(s)	Limitations
	* *	*
37.10	Base and mobile	1 8
37.18	do	8
37.26	do	8
39.06	Mobile	7,8,9
39.10	Base and mobile	} 8
39.18	do	1 8
39.50	do	1 8
39.58	do	()
39.82	do	, 8
39.90	do	1 }
39.98	do	۶ _ ا

- b. Paragraph (g) is amended by adding the following new subparagraphs:
- * * * * *

 (8) This frequency is shared with the Police Radio Service.
- (9) Applicants for this frequency need not demonstrate compliance with the provisions of § 10.8.

§ 11.8 [Amendment]

1. Section 11.8 is amended by adding the following frequencies at the beginning of the list in paragraph (j):

Mc/s .
30.56-30.57
35.00-35.01
35.19-35.20
35.68-35.69
35.99-36.00
37 00-37 01

2. In § 11.254, the table in paragraph (a) is amended by substituting the following for the 37.46-37.86 Mc/s portion as follows:

§ 11.254 Frequencies available.

(a) * '* *

Frequency or band	Class of station(s)	Limitations
* *		*
37.46	Base or mobile	
37.48	do	
37.50	do	
37.52	do	
37.54	do	
37.56	do	
37.58	do	
37.60	do	l
37.62	do	
37.64	do	
37.66]do	
37.68	do	
37.70	[dol	
37.72	{do	
37.74	do	
37.76	do	
37.78	do	
37.80	do	
37.82	do	
37.84	do	
37.86	do	
	<u>. </u>	1

3. In § 11.304, the table in paragraph (a) is amended by substituting the following for the 25.02-25.30 and 30.66-33.38 Mc/s portion as follows:

§ 11.304 Frequencies available.

(a) * * *

Frequency or band	Class of station(s)	Limitations
* *	, .	
25.02	Base or Mobile	1
25.04	do	
25.06	do	-
25.08	do	
25.10	do	
25.12	do	-
25.14	do	
25.16	do	-
25.18	do	
25.20	do	-
25.22	do	
25.24	do	-
25.26	do	-
25.28	do	
25.30	do:	-
25.32	do	
* *	* * *	
30.66	}do	_] 12
30.70	do	-
30.74	do	12
30.78	do	-)
30.82	do	12
33.18	do -	~ ~~
33.20	- do	-
33.22	do	-[
	do	-
AA 24		
33.24		1
33.26	do	-
33.26	do	-
33.26 33.28 33.30	do	
33.26 33.28 33.30 33.32	do	
33,26 33,28 33,30 33,32 33,34	do	
33.26 33.28 33.30 33.32	do	

4. In § 11.354, the table in paragraph (a) is amended by substituting the following for the 29.73-29.77 Mc/s portions as follows:

§ 11.354 Frequencies available.

(a) * * *

Frequency or band	Class of station(s)	Limitations
29.71	Base or mobile	
29.75 29.77	do	
	do	
37. 44	do	

5. In § 11.504, the table in paragraph (a) is amended by substituting the following for the 30.58-35.86 Mc/s portion; and paragraph (b) is amended by adding a new limitation (14) as follows:

§ 11.504 Frequencies available.

(a) * * *

Frequency or band	Class of station(s)	General reference	Limitations
30.58	* *	* *	* * 11
30.60 30.62	do	do	- 11 11
30. 64 31. 28 31. 32	do	General use	
31. 36 31. 40	do	do	
31. 44 31. 48	do	do	
31. 52 31. 56	do	do	
31. 60 31. 64	do	do	
31. 68 31. 72 31. 76	do	dodo	
31. 80 31. 84	do	do	
31.88 31.92	do	do	
31. 96 33. 12	do Mobile	do	14
35. 74 35. 76	Base or mobiledo	Permanent usedodo	11
35. 78 35. 80 35. 82	do	do	11 11 11
35. 84 35. 86	do	dodo	11 11

(b) * * *

(b) * * * (14) This frequency is limited to a maximum plate input power to the final radio frequency state of 3 watts; and each station authorized hereon will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station, provided no harmful interference is caused to mobile service operations and provided further, that the separation between the control point and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

6. In \S 11.554, the table in paragraph (a) is amended by substituting the following for 33.14-35.72 Mc/s portion; and paragraph (b) is amended by adding a new limitation (20) as follows:

§ 11.554 Frequencies available.

(a) * * *

Frequency or band	Class of station(s)	General reference	Limitations
30. 76 30. 80 30. 84 30. 83 30. 92 31. 00 31. 04 31. 24 33. 14 33. 16 35. 02 35. 02 35. 04 35. 10 35. 12 35. 12 35. 13	Base or mobile	do. do. do. do. do. Low power general use. do. Half-watt general use. Low power general use. Itinerant use. Permanent use. do. do. do. do. do. do. do. do. do. do	10, 11 10, 11 10, 11 10, 11 13, 14 13, 14 13, 14 14, 20 14, 20 13, 14

(20) This frequency is limited to a maximum plate input power to the final radio frequency stage of 0.5 watt and each station authorized hereon will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station, provided no harmful interference is caused to mobile service operations and further provided, that the separation between the control point and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

§ 16.204 [Amendment]

7. Section 16.204 is amended by adding the following frequency band at the beginning of the list in paragraph (b):

> Mc/s 33.00-33.01

§ 16.252 [Amendment]

8. Section 16.252(c) is amended by deleting the frequencies 30.70 Mc/s and 30.78 Mc/s; and by adding the frequencies 31.08 Mc/s and 31.16 Mc/s in numerical sequence.

[F.R. Doc. 63-11017; Filed, Oct. 18, 1963; 8:45 a.m.]

Title 5—ADMINISTRATIVE **PERSONNEL**

Chapter I-Civil Service Commission

PART 25—FEDERAL EMPLOYEES' **PAY REGULATIONS**

PART 531—PAY UNDER THE CLASSI-FICATION ACT SYSTEM

Miscellaneous Amendments

Effective thirty days after publication in the Federal Register, paragraph (c) of § 25.103 and paragraph (a) of § 25.412 are amended as set out below.

§ 25.103 General provisions.

(c) Computation of highest previous rate. (1) The highest previous rate must be based on a rate for a regular tour of duty (i) under an appointment not limited to 90 days or less, or (ii) for a continuous period of not less than 90 days under one or more appointments without a break in service.

(2) The highest previous rate may not be based on (i) a rate received for an appointment as an expert or consultant under section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a) or (ii) a rate of basic compensation established under section 504 of the Federal Salary Reform Act of 1962 (76 Stat. 842; 5 U.S.C. 1173).

(3) When an employee's rate of basic compensation is one established under section 504 of the Federal Salary Reform Act of 1962, the employee's highest previous rate is the rate to which the employee would have been entitled had the rate established under section 504 not applied to him.

(4) If the highest previous rate was earned in a Classification Act position, it shall be increased by any subsequent amendments to the Classification Act pay schedules. If such highest previous rate was earned in a position not subject to the Classification Act, this rate shall be computed as follows: The actual rate earned at the time of such service shall be converted to the equivalent per annum rate under the Classification Act as of the time of such service; where there was no exact equivalent per annum rate under the Classification Act, the next higher Classification Act rate shall be considered an equivalent; where the rate thus determined falls within two or more grades under the Act, the rate in the grade which gives the employee the maximum benefit shall be used; the equivalent Classification Act rate thus determined shall be converted to the equivalent per annum rate under the current Classification Act pay schedule and shall be the employee's highest previous rate.

(Sec. 1101, 63 Stat. 971; 5 U.S.C. 1072)

§ 25.412 Rate determination.

(a) At the time of the employee's demotion, his department shall select a rate in the grade to which he is demoted which would have been the employee's rate of basic compensation if he were not entitled to a retained rate. When the department does not select a higher rate permissible under the provisions of § 25.103(b), the rate shall, subject to the provisions of paragraph (b) of this section, be determined as follows:

(1) When the employee's retained rate is equal to a rate in the grade to which he is demoted, that rate shall be selected.

(2) When the employee's retained rate falls between two rates of the grade to which he is demoted, the lower of the two rates shall be selected.

(3) When the employee's retained rate is above the maximum rate of the grade to which he is demoted, the maximum rate shall be selected.

(b) When the employee's retained rate is a rate established under section 504 of the Federal Salary Reform Act of 1962 (Public Law 87–793; 76 Stat. 842), the department shall determine what the employee's rate in the grade from which demoted would have been if the rate established by section 504 had not applied to him and this rate shall be considered to be the employee's retained rate for the purpose of selecting a rate under the provisions of subparagraph (1), (2), or (3) of paragraph (a) of this section.

(c) At the time of the employee's demotion, the department shall record in the employee's Official Personnel Folder the rate selected in accordance with paragraph (a) of this section and shall make and record all determinations of entitlement to within-grade increases on this rate during the salary retention period.

(Sec. 1101, 63 Stat. 971, sec. 113, 68 Stat. 1108; 5 U.S.C. 1072, 1072a)

Reorganization and revision of chapter. In the Federal Register for October 12, 1963, the Civil Service Commission published new pay and leave regulations to become effective December 15, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the Federal Register on October 15, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A second amendment of these new regulations is set out below, i.e., the new pay and leave regulations published in the FEDERAL REGISTER on October 12, 1963, as amended, which are to become effective December 15, 1963, are further amended as follows:

In part 531—Pay Under the Classification Act System, paragraph (c) of § 531.-203 and § 531.512 are amended as set out below.

§ 531.203 General provisions.

(c) Computation of highest previous rate. (1) The highest previous rate is based on a regular tour of duty at that rate under an appointment not limited to 90 days or less, or for a continuous period of not less than 90 days under one or more appointments without a break in service.

(2) The highest previous rate may not be based on (i) a rate received for an appointment as an expert or consultant under section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a) or (ii) a rate of basic compensation established under section 504 of the Federal Salary Reform Act of 1962 (72 Stat. 842; 5 U.S.C. 1173).

(3) When an employee's rate of basic compensation is one established under section 504 of the Federal Salary Reform Act of 1962, the employee's highest previous rate is the rate to which the employee would have been entitled had the rate established under section 504 not applied to him.

(4) If the highest previous rate was earned in a Classification Act position, it is increased by subsequent amendments of the Clasification Act pay schedules. If the highest previous rate was earned in a position not subject to the Classification Act, it is computed as follows:

(i) The actual rate earned at the time of service is converted to the equivalent annual rate under the Act as of the time of the service. If there was no exact equivalent annual rate, the next higher Classification Act rate is the equivalent annual rate. When the equivalent annual rate falls within the range of two or more grades under the Act, the rate in the grade which gives the employee the maximum benefit is used as the equivalent annual rate.

(ii) The equivalent annual rate determined under subparagraph 4(i) of this paragraph is converted to the equivalent rate under the current Classification Act pay schedule and that rate is the employee's highest previous rate.

(Sec. 1101, 63 Stat. 971; 5 U.S.C. 1072)

§ 531.512 Rate determination.

(a) At the time of an employee's demotion, the department shall select a rate in the grade to which he is demoted which would have been the employee's rate of basic compensation if he were not entitled to a retained rate. When the department does not select a higher rate under § 531.203(b), it shall determine the rate, subject to the provisions of paragraph (b) of this section as follows:

(1) When the employee's retained rate is equal to a rate in the grade to which he is demoted, that rate shall be selected.

(2) When the employee's retained rate falls between two rates of the grade to which he is demoted, the lower of the two rates shall be selected.

(3) When the employee's retained rate is above the maximum rate of the grade to which he is demoted, the maximum rate shall be selected.

(b) When the employee's retained rate is a rate established under section 504 of the Federal Salary Reform Act of 1962 (Public Law 87-793; 76 Stat. 842), the department shall determine what the employee's rate in the grade from which demoted would have been if the rate established by section 504 had not applied to him and this rate shall be considered to be the employee's retained rate for the purpose of selecting a rate under

the provisions of subparagraph (1), (2), or (3) of paragraph (a) of this section.

(c) At the time of the employee's demotion, the department shall (1) record in the employee's Official Personnel Folder the rate selected in accordance with paragraph (a) of this section, and (2) shall make all determinations of within-grade increases, in accordance with Subpart D of this part, on this rate during the salary retention period and record these determinations in the employee's Official Personnel Folder.

(Sec. 1101, 63 Stat. 971; 5 U.S.C. 1072; sec. 507 as added by 70 Stat. 291, as amended; 5 U.S.C. 1107)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the
Commissioners.

[F.R. Doc. 63-11126; Filed, Oct. 18, 1963; 8:49 a.m.]

Title 7——AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G-DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 851.1, Amdt. 4]

PART 851—COMMITMENT OF NA-TIONAL SUGARBEET ACREAGE RE-SERVE, 1962 AND SUBSEQUENT CROPS

Revocation of Commitment of Acreage

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 851.1 (27 F.R. 10745, 12705; 28 F.R. 1369, 2090) is further amended by adding the following new paragraph (j):

§ 851.1 Commitments of sugarbeet acreage from the national reserve.

(j) Revocation of the commitment of acreage to farms supplying sugarbeets to proposed facility near Phoenix, Arizona, and of the commitment of acreage to farms supplying sugarbeets to proposed facility in the Missouri River Valley of Southeastern South Dakota. (1) (i) This paragraph is issued pursuant to section 302(b) of the Sugar Act of 1948. as amended, which provides in part, that "* * * such distribution shall thereby be committed to be in effect for the year in which production of sugarbeets is scheduled to commence in a locality or localities determined by the Secretary to receive such reserves for such year, such determination of distribution by the Secretary shall be final, and such commitment of the sugarbeet acreage reserve shall be irrevocable upon issuance of such determination of the Secretary by publication in the FEDERAL REGISTER; except that if the Secretary finds in any case that construction of sugarbeet processing facilities and the contracting for processing of sugarbeets has not proceeded in substantial accordance with the representations made to him as a

basis for his determination of distribution of the sugarbeet acreage reserve, he shall revoke such determination in accordance with and upon publication in the FEDERAL REGISTER of such findings.

(ii) The purpose of this paragraph is to revoke the commitment of the acreage reserve heretofore made (28 F.R. 1369) of 19,000 acres, estimated to yield about 34,000 short tons, raw value, of sugar, to farms in eastern South Dakota, northwestern Iowa and northeastern Nebraska for the 1965 crop and to revoke the commitment of the acreage reserve heretofore made (28 F.R. 2090) of 20,000 acres, estimated to yield about 50,000 short tons, raw value, of sugar to farms in Arizona for the 1964 crop.

(iii) Pursuant to the above quoted provision of section 302(b) of the Sugar Act of 1948, as amended (7 U.S.C. 1132(b)), I hereby find and determine:

(2) That construction of the sugarbeet processing facility and the contracting for processing of sugarbeets by the Utah-Idaho Sugar Company has not proceeded in substantial accordance with the representations made to me as a basis for my determination of distribution of the sugarbeet acreage reserve to the locality to be served by this proposed beet sugar processing facility; and

(3) That construction of the sugarbeet processing facility and the contracting for processing of sugarbeets under the supervision of the Arizona Sugar Beet Committee has not proceeded in substantial accordance with the representations made to me as a basis for my determination of distribution of the sugarbeet acreage reserve to the locality to be served by this proposed beet sugar processing facility.

In accordance with such findings, the determinations of distribution of the acreage reserve set forth in paragraph (h) of Sugar Determination 851.1, Amendment 2 (28 F.R. 1369) and paragraph (i) of Sugar Determination 851.1, Amendment 3 (28 F.R. 2090) are hereby revoked and § 851.1 of this chapter is amended by deleting therefrom paragraphs (h) and (i).

Statement of bases and considerations. A commitment of 19,000 acres estimated to yield about 34,000 tons of sugar, raw value, was made on February 7, 1963, to farms in southeastern South Dakota, northeastern Nebraska and northwestern Iowa which were to supply sugarbeets to a proposed new beet sugar facility in southeastern South Dakota, scheduled to begin operations for the 1965 crop year.

In efforts to develop this area, the Utah-Idaho Sugar Company first contracted for beets in 1961. About 4,500 acres were grown, with an average yield of about 11.24 tons per acre. Part of the area averaged almost 14 tons per acre and several individual growers averaged in excess of 18 tons per acre. In its request in 1962 for reserve acreage the company stated that contractings had increased to about 10,500 acres with yield prospects being greatly improved despite unfavorable spring weather. Contractings in 1963 were increased to about 11,200 acres.

The company has informed the Department that, because of disease and other problems, it will not proceed with the construction of a factory to be ready to process beets of the 1965 crop. In view of the company's decision, the commitment is revoked on the finding and determination that the project has not proceeded in substantial accordance with the representations made as the basis for the final determination of commitment.

A commitment of 20,000 acres, estimated to yield about 50,000 tons of sugar, raw value, was made on February 27, 1963, to the locality near Phoenix, Arizona, to serve a proposed new beet sugar facility near Phoenix, Arizona, scheduled to begin operations for the 1964 crop year.

The Arizona Sugar Beet Committee recently notified the Department that Mr. Julio Lobo of Olavarria & Company of New York City, has informed that committee that he was not prepared to proceed with financing the construction of the factory. The committee has been unable to obtain other financing in sufficient time to have the project completed in time to process 1964 crop sugarbeets. The commitment is revoked on the finding and determination that the project has not proceeded in substantial accordance with the representations made as the basis for the final determination of commitment.

Neither of these localities is precluded from competing with other localities for a reserve acreage allocation and both may, if they desire, present their cases at the public hearing in Washington, D.C. on December 10, 1963.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on October 16, 1963.

CHARLES S. MURPHY, Acting Secretary.

[F.R. Doc. 63-11081; Filed, Oct. 18, 1963; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Orange Reg. 29]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, A N D TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.386 Orange Regulation 29.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural

Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of Florida oranges as will be in the public interest; will tend to effectuate the declared policy of the act; and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 15, 1963; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; the provisions of the act require that the minimum standards of quality and maturity, as set forth herein, be made effective when the seasonal average price to growers for such oranges will exceed the parity level specified in section 2(1) of the act; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth. and at the commencement thereof, so as not to permit the unrestricted shipment thereafter of Florida oranges as such unrestricted shipment would not be conducive to the orderly marketing of such oranges as will be in the public interest and would not tend to effectuate the declared policy of the act; and compliance with this section will not require any special preparation on the part of the

persons subject thereto which cannot be completed by the effective time hereof.

(b) Order. (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 21, 1963, and ending at 12:01 a.m., e.s.t., November 4, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States,

Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except oranges, grown in the production area, which are of a size smaller than 2%6 inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: Provided. That in determining the percentage of oranges in any lot which are smaller than 2% inches in diameter. such percentage shall be based only on those oranges in such lot which are of a size 214/16 inches in diameter or smaller;

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2%6 inches in diameter; except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 17, 1963.

FLOYD F. HEDLUND, Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-11152; Filed, Oct. 18, 1963; 8:49 a.m.]

[Grapefruit Reg. 29]

PART 905-ORANGES, GRAPEFRUIT, TANGERINES, AND **TANGELOS** GROWN IN FLORIDA

Limitation of Shipments

§ 905.387 Grapefruit Regulation 29.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos

grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted. under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order: the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 15, 1963, such meeting was held to consider recommendations for regulation. after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) Order. (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit

(§§ 51.750-51.783 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 21, 1963, and ending at 12:01 a.m., e.s.t., November 4, 1963, no handler shall ship between the production area and any point outside

thereof in the continental United States. Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit: or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than 3%6 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit. (Secs. 1-19, 48 Stat. 31, as amended: 7 U.S.C. 601-674)

Dated: October 17, 1963.

PAUL A. NICHOLSON. Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-11118; Filed, Oct. 18, 1963; 8:48 a.m.]

[Tangerine Reg. 14]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.388 Tangerine Regulation 14.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the

act. (2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure. and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause and order; the recommendation and sup-

porting information for regulation dur-

ing the period specified herein were

promptly submitted to the Department

after an open meeting of the Growers

Administrative Committee on October

15, 1963, such meeting was held to con-

sider recommendations for regulation, after giving due notice of such meeting,

and interested persons were afforded an

opportunity to submit their views at this

meeting; the provisions of this section,

including the effective time hereof, are

identical with the aforesaid recommen-

dation of the committee, and informa-

tion concerning such provisions and ef-

fective time has been disseminated

among handlers of such tangerines; it is

necessary, in order to effectuate the de-

clared policy of the act, to make this sec-

tion effective during the period herein-

after set forth so as to provide for the

continued regulation of the handling of

tangerines, and compliance with this

section will not require any special prep-

aration on the part of the persons sub-

ject thereto which cannot be completed

amended marketing agreement and or-

der shall, when used herein, have the

(b) Order. (1) Terms used in the

by the effective time hereof.

[Tangelo Reg. 14] exists for making the provisions hereof effective as hereinafter set forth. Ship-PART 905—ORANGES, GRAPEFRUIT, ments of tangerines, grown in the pro-TANGERINES, AND TANGELOS duction area, are presently subject to GROWN IN FLORIDA regulation by grades and sizes, pursuant to the amended marketing agreement

Limitation of Shipments

§ 905.389 Tangelo Regulation 14.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as here-inafter provided, will tend to effectuate the declared policy of the act.

engage in public rule-making procedure. and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening

same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810-51.1834

of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 21, 1963, and ending at 12:01 a.m., e.s.t., November 4, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States. Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at

least U.S. No. 1 Russet; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than 2%6 inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 17, 1963.

PAUL A. NICHOLSON, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-11120; Filed, Oct. 18, 1963; 8:48 a.m.]

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient: a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agree-ment and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 15, 1963, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.
(b) Order. (1) Terms used in the

amended marketing agreement and

order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.-1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 21, 1963, and ending at 12:01 a.m., e.s.t., November 4, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least

U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 25/16 inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 17, 1963.

PAUL A. NICHOLSON, eputy Director, Fruit and Vegetable Division, Agricul-Deputy tural Marketing Service.

[F.R. Doc. 63-11119; Filed, Oct. 18, 1963; 8:48 a.m.]

Chapter X-Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 2]

PART 1002-MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Order Suspending Certain **Provisions**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New York-New Jersey marketing area (7 CFR Part 900), it is hereby found and determined that:

(a) The following provisions of the order will not tend to effectuate the declared policy of the Act for the periods specified:

(1) For the month of October all the table contained in § 1002.71(b)(3) except the first column captioned "Mileage zone of the farm pursuant to subparagraph (1) of this paragraph"; the words "dollars per hundredweight" and the column of figures beginning with ".48"

(2) For the month of November 1963 all of the table contained in § 1002.71(b)

(3) except the first column captioned "Mileage zone of the farm pursuant to subparagraph (1) of this paragraph"; the words "dollars per hundredweight" and the column of figures beginning with ".40".

(3) For the months of October and November 1963 all of § 1002.71(b) (6).

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) A decision of the Supreme Court on June 4, 1962 invalidated § 1002.83(b) (2), (3) and (4) of the New York-New Jersey order. This necessitated the suspension of these and certain other provisions effective July 1, 1962 (27 F.R. 6117) including the provision which previously had permitted certain plants to elect nonpool status at the option of the handler. This resulted in the pooling for several months of at least one additional

nearby plant. (2) Section 1002.71(b) (6) provides that "the nearby differential rates shall be reduced 10 percent for each full percentage point by which the quantity of milk subject to the differential in the preceding 12 months exceeds 35 percent of the total quantity of Class I-A milk (both pool and nonpool) in such 12 months". This provision is designed to reflect automatically the relationship between the production of milk of the producers eligible for such differential and the use of fluid milk in the market-

(3) The inclusion in the above computation of the receipts of a plant which has been a pool plant because of the suspension of the pooling option resulted in a 10 percent decrease in the rates of nearby differentials for October and November 1962, because of the increase in the number of producers eligible for such differential. This is a situation which the provision for reduction in the rate of differential was not designed to reflect. Suspension orders, therefore were issued effective December 1, 1962 (27 F.R. 11342), February 1, 1963 (28 F.R. 1865) and June 1, 1963 (28 F.R. 6257) to approximately offset the previous decreases and to result in average nearby differentials for the period October 1962 through September 1963 at the approximate level which would have resulted had the option of nonpool status been available to, and exercised by, plants that exercised such option prior to the July 1, 1962 suspension order.

(4) This suspension will result in average nearby differentials for the months of October and November 1963, at the approximate level which would have resulted had the option of nonpool status been available to, and exercised by, plants that exercised such option prior to the July 1, 1962 suspension order.

(5) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(6) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

Therefore, good cause exists for making this order effective October 1, 1963.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the periods indicated in paragraph (a) above.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: October 1, 1963.

Signed at Washington, D.C., on October 15, 1963.

> George L. Mehren, Assistant Secretary,

[F.R. Doc. 63-11067; Filed, Oct. 18, 1963; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B-LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1963-Crop Corn Supplement, Amdt. 1]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1963 Corn Loan and **Purchase Agreement Program**

The regulations issued by the Commodity Credit Corporation (28 F.R. 7506) with respect to corn produced in 1963 which contain specific requirements for the 1963-crop of corn are hereby amended as follows:

1. Paragraph (b) is added § 1421.2310 to set forth the schedule of premiums and discounts and provisions regarding the application of premiums and discounts.

2. Paragraph (c) is added to § 1421.2310 to set forth the basic county support rates for loans and purchase agreements.

§ 1421.2310 Support rates.

(b) Premiums and discounts—(1) Farm storage. In the case of eligible corn under farm storage loan or delivered from farm storage under purchase agreement the applicable premiums and discounts shown in the schedule in subparagraph (3) of this paragraph and discounts established by the appropriate ASCS commodity office for moisture in excess of 14 percent and for other factors shall be applied to the basic rate at the time of settlement. In the case of loans the discount for corn grading "Mix," and the discount for "Weed control and the discount for laws," if applicable, shall be applied to the basic rate both at the time the loan is completed and at the time of settlement.

(2) Warehouse storage. In the case of warehouse-storage loans the applicable premiums and discounts shown in the schedule in subparagraph (3) of this paragraph, shall be applied to the basic support rate at the time the loan is completed. In the case of corn represented by warehouse receipts tendered to CCC under a purchase agreement, the applicable premiums and discounts shown in subparagraph (3) of this paragraph, shall be applied to the basic support rate at the time of settlement.

(3) Schedule of premiums and discounts.

	its per
	ushel
Grade No. 2 or better	1
Broken corn and foreign material	
(percent) 2.0 or less	1
Moisture content (percent) 14.0 or	
less	1
(ii) Discounts:	
Weevily	2
Mixed	2
Weed control laws (see § 1421.27)	10

(c) Basic county support rates. Basic county support rates for use in making loans and for use in settling loans and purchase agreements for both farmstored and warehouse-stored corn which grades No. 3 (except for moisture) or No. 4 on the factor of test weight but otherwise No. 3 or better (except for moisture) are as follows:

County	Alabama	Rate per bushel
		\$1.20
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	ARKANSAS	
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l counties	ARIZONA ARKANSAS CALIFORNIA	

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	te per	Rai	e per
County by	ushel		ıshel
Adams	\$1.10	Larimer	\$1.10
Alamosa	1. 13	Las Animas	1.12
Arapahoe	1.11	Lincoln	1.11
Archuleta	116	Logan	1.09
Baca	1.12	Mesa	1.18
Bent	1.12	Moffat	1.18
Boulder	1.11	Montezuma _	1.20
Cheyenne	1.10	Montrose	1.18
Conejos	1.14	Morgan	1.09
Costilla	1, 12	Otero	1.12
Crowley	1.12	Ouray	1, 20
Custer	1.12	Phillips	1.09
Delta	1.18	Pitkin	1.16
Dolores	1.20	Prowers	1.11
Douglas	1.12	Pueblo	1.12
Elbert	1.11	Rio Blanco	1.18
El Paso	1.12	Rio Grande	1.16
Fremont	1.12	Routt	1.16
Garfield	1.18	Saguache	1.14
Grand	1.14	San Miguel	1, 20
Huerfano	1.12	Sedgwick	1.09
Jefferson	1.12	Washington _	1.09
Kiowa	1, 11	Weld	1.09
Kit Carson	1.09	Yuma	1.09
La Plata	1.18		
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All counties			31. 28

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Alexander		Clinton	
	1.09	Coles	
Boone	1.08	Cook	
	1.08	Crawford	
Calhoun		Cumberland _ De Kalb	
Carroll	1.06	De Witt	
Cass			
Champaign		Douglas	
Christian		Du Page Edgar	1.09
Clark		Edwards	

1.08

Edwards ____

Clark ____

Rate per County Dushel	Illinois—	Continued	; Io		Kansas	Continued
Series 1.09 Massac 1.11 Adak 1.02 Jefferson 1.04 Newmee 1.06 Sheridan 1.07 Merce 1.08 Adams 1.08 Newmee 1.09 Sheridan 1.00 Tranklin 1.00 Monroe 1.01 Appanosos 1.04 Ecolut 1.03 Tranklin 1.00 Tranklin 1.00 Monroe 1.01 Appanosos 1.04 Ecolut 1.03 Tranklin 1.00 Tranklin 1.00					Rate per	Rate per
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Ford						
Pation 1.00 Monigomery 1.00 Audubon 1.01 Koanuth 3.68 Rawlins 1.07 Stanton 1.10 Contact 1.00 Co					Pottawatomie 1.05	
Callatin						
Grundy	Gallatin 1.11		Benton 1.03			
Banulicon 1.00 Percy 1.00 Benner 1.00 Locas 1.00 Billy 1.04 Trego 1.09 Enderson 1.00 Percy 1.10 Buster 1.00 Downton 1.00 Enderson 1.00 Piles 1.06 Butter 1.00 Marion 1.00 Buster 1.00 Marion 1.00 Enderson 1.00 Piles 1.06 Butter 1.00 Marion 1.00 Buster 1.00 Marion 1.00 Buster 1.00 Marion 1.00 Enderson 1.00 Purton 1.00 Enderson 1.00 End						
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Enox 1.08 Shelby 1.08 Cawford 1.00 Fafo Alto 98 Barren 1.15 Lee 1.18 Lake 1.09 Start 1.00 Dallas 1.01 Pylmouth 59 Batt 1.17 Leelte 1.19 Lake 1.00 Start 1.00 Dallas 1.01 Pylmouth 1.01 Dallaware 1.02 Dallas 1.01 Pylmouth 1.02 Dallas 1.01 Pylmouth 1.05 Dallas 1.01 Dallaware 1.02 Dallas Dallas 1.02 Dallas Dal						Laurel 1.18
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Legen						
Logan						
McDenough 1.07 Warren 1.07 Dubuque 1.04 Sac .99 Branken 1.14 Typon 1.14 McDean 1.06 Washington 1.10 Emmet .97 Scott 1.05 Branken 1.14 1.12 McCreaken 1.12 McDean 1.06 Wayne 1.09 Floyd .98 Scotx 1.05 Branken 1.12 McCreaken 1.12 McDean 1.08 Miller 1.09 Floyd .98 Scotx 1.05 Branken 1.12 McCreaken 1.13 McGranken 1.14 McGranken 1.15 McGranken 1.16 McGranken 1.16 McGranken 1.16 McGranken 1.16 McGranken 1.16 McGranken 1.16 McGranken 1.17 McGranken 1.16 McGranken 1.17 McGranken 1.16 McGranken 1		Vermilion 1.07	Des Moines 1.05	Poweshiek 1.01		
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Elkhart 1.08 Pulaski 1.08 Chautauqua 1.11 Johnson 1.08 Grayson 1.13 Rowan 1.17		Porter 1.08	Butler 1.09	Jefferson 1.07	Grant 1.13	Robertson 1.15
Fayette						
Floyd						
Franklin	Floyd 1.11	Randolph 1.08	Cheyenne 1.07	Kingman 1.10	Greenup 1.15	Scott 1.15
Fulton						
Gibson						
Greene	Gibson 1.11		Coffey 1.08	Leavenworth _ 1.08	Harrison 1.15	Taylor 1.15
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Harcock						
Hendricks				Lyon 1.07		
Henry						
Howard	Henry 1.08	Tippecanoe 1.07			Jefferson 1.12	Wayne 1.17
Jackson			Edwards 1.09			
Jasper						
Jay	Jasper 1.08	Vermillion 1.07				
Sentison				Morris 1.07	Louis	SIANA
Johnson						
Kosciusko _ 1.08	Johnson 1.08	Warrick 1.11	Geary 1.06	Neosho 1.10		
LaGrange 1.08 Wells 1.08 Grant 1.10 Osage 1.07 Lake 1.08 White 1.08 Gray 1.10 Osborne 1.05 MARYLAND						
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	1.08	wnitiey 1.08	Greeley 1.10	Ottawa 1.05	All countles	 \$1.23

RULES AND REGULATIONS

	HUSETTS Rate per	Missouri-	Continued	Nebraska—Continued
County All counties	bushel \$1.28	Rate per	Rate per	Rate per Rate per
Mich		County bushel Crawford \$1.11	County bushel New Madrid \$1.12	County bushel County bushel Scotts Bluff\$1.07 Thurston\$1.00
Rate per	Rate per	Dade 1,11	Newton 1.12	Seward 1.01 Valley 1.02
County bushel	County bushel	Dallas 1.11 Daviess 1.07	Nodaway 1.05 Oregon 1.12	Sheridan 1.05 Washington 1.02 Sherman 1.02 Wayne99
Allegan \$1.09	Livingston \$1.10	De Kalb 1.07	Osage 1.10	Sioux 1.07 Webster 1.02
Barry 1.09 Berrien 1.08	Macomb 1.10 Mecosta 1.10	Dent 1.11	Ozark 1.12	Stanton 1.00 Wheeler 1.01
Branch 1.09	Midland 1.10	Douglas 1, 12 Dunklin 1, 12	Perry 1.12	Thayer 1.02 York 1.01 Thomas 1.03
Calhoun 1.09 Cass 1.08	Monroe 1.10 Montcalm 1.10	Franklin 1.10	Pettis 1.09	NEVADA
Clinton 1.10	Oakland 1.10	Gasconade 1.10 Gentry 1.06	Phelps 1.11 Pike 1.08	All counties\$1.22
Eaton 1.10 Genesee 1.10	Saginaw 1.10	Greene 1.11	Platte 1.09	New Hampshire
Gratiot 1.10	St. Clair 1.10 St. Joseph 1.08	Grundy 1.07	Polk 1.11	All counties \$1.28
Hillsdale 1.09	Sanilac 1.10	Harrison 1.05 Henry 1.09	Pulaski 1.11 Putnam 1.06	New Jersey
Ingham 1.10 Ionia 1.10	Shiawassee 1.10 Tuscola 1.10	Hickory 1.10	Ralls 1.08	All counties \$1.24
Isabella 1.10	Van Buren 1.08	Holt 1.06 Howard 1.09	Randolph 1.09	NEW MEXICO
Jackson 1.10	Washtenaw 1.10	Howell 1.12	Ray 1.09 Reynolds 1.11	All counties\$1.18
Kalamazoo 1.09 Kent 1.10	Wayne 1.10 All other	Iron 1.11	Ripley 1.12	New York All counties\$1.23
Lapeer 1.10	counties 1.11	Jackson 1.09 Jasper 1.11	St. Charles 1.09 St. Clair 1.10	
Lenawee 1.10		Jefferson 1.10	St. Francois 1.11	NORTH CAROLINA All counties\$1.23
Minn	ESOTA	Johnson 1.09	St. Louis 1.10	NORTH DAKOTA
Aitkin \$0.99	Marshall \$0.96	Knox 1.07 Laclede 1.11	Ste. Genevieve 1.10 Saline 1.09	All counties\$0.95
Anoka 1.01 Becker97	Martin96 Meeker99	Lafayette 1.09	Schuyler 1.06	Оню
Beltrami97	Mille Lacs99	Lawrence 1.11 Lewis 1.07	Scotland 1.05	Adams \$1.14 Licking \$1.12
Benton99	Morrison98	Lincoln 1.09	Scott 1.12 Shannon 1.11	Allen 1.09 Logan 1.10
Big Stone95 Blue Earth98	Mower99	Linn 1.08	Shelby 1.08	Ashland 1.13 Lorain 1.14
Brown98	Murray96 Nicollet99	Livingston 1.08 McDonald 1.12	Stoddard 1.12	Ashtabula 1.19 Lucas 1.11 Athens 1.16 Madison 1.11
Carlton 1.00	Nobles96	Macon 1.09	Stone 1.12 Sullivan 1.07	Auglaize 1.09 Mahoning 1.19
Carver 1.00 Cass98	Norman96 Olmsted 1.00	Madison 1.11	Taney 1.12	Belmont 1.18 Marion 1.11
Chippewa96	Otter Tail97	Maries 1.11 Marion 1.07	Texas 1.11	Brown 1.14 Medina 1.14 Butler 1.10 Meigs 1.16
Chisago 1.01	Pennington96	Mercer 1.05	Vernon 1.10 Warren 1.09	Carroll 1.17 Mercer 1.09
Clay96 Clearwater97	Pine 1.00 Pipestone96	Miller 1.11	Washington 1.11	Champaign 1.10 Miami 1.09
Cook99	Polk	Mississippi 1.12 Moniteau 1.10	Wayne 1.11	Clark 1.10 Monroe 1.18 Clermont 1.12 Montgomery _ 1.09
Cottonwood97	Pope97	Monroe 1.09	Webster 1.11 Worth 1.05	Clinton 1.11 Morgan 1.15
Crow Wing98 Dakota 1.01	Ramsey 1.01 Red Lake96	Montgomery _ 1.09	Wright 1.11	Columbiana 1.19 Morrow 1.12
Dodge99	Redwood97	Morgan 1.10		Coshocton 1.14 Muskingum 1.14 Crawford 1.11 Noble 1.16
Douglas98	Renville98		TANA .	Cuyanoga 1.15 Ottawa 1.12
Faribault96 Fillmore 1.00	Rice 1.00 Rock96	All counties	\$1.09	Darke 1.09 Paulding 1.09
Freeborn98	Roseau96	Nebr Nebr	aska	Defiance 1.09 Perry 1.14 Delaware 1.11 Pickaway 1.12
Goodhue 1.01 Grant97	St. Louis99	Adams \$1.01	Hall\$1.01	Erie 1.13 Pike 1.13
Grant97 Hennepin 1.00	Scott 1.00 Sherburne99	Antelope99 Arthur 1.05	Hamilton 1.01 Harlan 1.02	Fairfield 1.13 Portage 1.17 Fayette 1.12 Preble 1.09
Houston 1.01	Sibley99	Banner 1.07	Hayes 1.05	Fayette 1.12 Preble 1.09 Franklin 1.11 Putnam 1.10
Hubbard97 Isanti 1.00	Stearns	Blaine 1.02	Hitchcock 1.05	Fulton 1.10 Richland 1.12
Itasca	Stevens96	Boone 1.00 Box Butte 1.06	Holt 1.00 Hooker 1.03	Gallia 1.15 Ross 1.13 Geauga 1.17 Sandusky 1.12
Jackson96	Swift97	Boyd	Howard 1.01	Greene 1.10 Scioto 1.14
Kanabec 1.00 Kandiyohi98	Todd98 Traverse95	Brown 1.01 •	Jefferson 1.03	Guernsey 1.16 Seneca 1.11
Kittson96	Wabasha 1.01	Buffalo 1.01 Burt 1.01	Johnson 1.03 Kearney 1.01	Hamilton 1.11 Shelby 1.09 Hancock 1.10 Stark 1.16
Koochiching99	Wadena98	Butler 1.01	Keith 1.06	Hardin 1.10 Summit 1.15
Lac Qui Parle95 Lake99	Waseca98 Washington _ 1.02	Cass 1.02	Keyapaha 1.01	Harrison 1.17 Trumbull 1.19
Lake of the	Watonwan97	Cedar99 Chase 1.05	Kimball 1.07	Henry 1.10 Tuscarawas _ 1.16 Highland 1.12 Union 1.10
Woods97 La Sueur99	Wilkin96 Winona 1.01	Cherry 1.03	Lancaster 1.01	Hocking 1.14 Van Wert 1.09
Lincoln95	Wright99	Cheyenne 1.07	Lincoln 1.04	Holmes 1.14 Vinton 1.14
Lyon	Yellow Medi-	Clay 1.01 Colfax 1.01	Logan 1.04 Loup 1.02	Huron
McLeod99 Mahnomen96	cine96	Cuming 1.00	McPherson 1.04	Jefferson 1.19 Wayne 1.14
		Custer 1.03	Madison 1.00	Knox 1.12 Williams 1.09 Lake 1.17 Wood 1.11
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	OURI	Dawson 1.02	Nance 1.01	
		Deuel 1.07 Dixon99	Nemaha 1.03	OKLAHOMA
Adair \$1.07 Andrew 1.06	Camden \$1.11 Cape Girar-	Dixon99 Dodge 1.01	Nuckolls 1.02 Otoe 1.02	All counties \$1.13
Atchison 1.05	deau 1.11	Douglas 1.02	Pawnee 1.04	OREGON
Audrain 1.09	Carroll 1.09	Dundy 1.05 Fillmore 1.01	Perkins 1.05 Phelps 1.02	All counties\$1.18
Barry 1.12 Barton 1.11	Carter 1. 12 Cass 1. 09	Franklin 1.01	Pierce	Pennsylvania
Bates 1.09	Cedar 1.10	Frontier 1.03	Platte 1.01	All counties \$1.23
Benton 1.09 Bollinger 1.11	Chariton 1.09 Christian 1.12	Furnas 1.03 Gage 1.03	Polk 1.01 Red Willow 1.04	
Boone 1.09	Christian 1.12 Clark 1.06	Garden 1.06	Richardson 1.04	RHODE ISLAND
Buchanan 1.08	Clay 1.09	Garfield 1.02	Rock 1.01	All counties\$1.28
Butler 1.12 Caldwell 1.09	Cole 1.09	Gosper 1.03 Grant 1.04	Saline 1.02 Sarpy 1.02	SOUTH CAROLINA
Calloway 1.09	Cooper 1.10	Greeley 1.01	Saunders 1.02	All counties\$1.23
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	te per	Rati	e per	
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Beadle	. 95	Jones	-99	
Bennett Bon Homme	1.01 .96	Kingsbury Lake	.95	
Brookings	.95	Lawrence	1.01	
Brown	.95 .96	Lincoln	.97	
Brule Buffalo	.96	Lyman McCook	.96	
Butte	1.01	McCook McPherson	.96	
Campbell Charles Mix	.97 .95	Marshall Meade	.95	
Clark	.95	Mellette	.99	
Clay	.97	Miner	.95	
Corson	.95 .99	Minnehaha Moody	.96	
Custer	1.04	Pennington _	1.01	
Davison	.95	Perkins	1.00	
Day	.95 .95	Potter Roberts	.98	
Deuel Dewey Douglas	.99	Sanborn	.95	
Douglas	.95 .96	Shannon	1.03	
Edmunds Fall River	1.05	Spink Stanley	.95	
Faulk	.97	Sully Todd	.97	
Grant	.95 .96		.99	
Haakon	.99	Tripp Turner	.97	
Hamiin	. 95	Union	.97	
Hand Hanson	.96 .95	Walworth Washabaugh _	.98 1.00	
Harding	1,01	Washington _	1.02	
Hughes	.97	Yankton	.97	
Hutchinson Hyde	.96 .97	Ziebach	1.00	
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Benton	1.15	Lewis	1.15	
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Campbell	1.19	McNairy	1.15	
Cannon Carroll	1. 17 1. 14	Macon Madison	1.16 1.14	
Carter	1. 20	Marion	1.16	
Cheatham	1.15	Marshall	1.17	
Chester Claiborne	1.14	Maury Meigs	1.15 1.18	
Clay	1, 17	Monroe	1. 19	
Cocke	1, 20	Montgomery _	1.15	
Coffee Crockett	1.16 1.14	Moore Morgan	1. 17 1. 18	
Cumberland _	1.18	Obion	1. 13	
Davidson		Overton	1.17	
Decatur	1.15 1.17	Perry	1. 15 1. 17	
Dickson	1.15	Polk	1.18	
Dyer	1.13	Putnam	1.17	
Fayette Fentress	1.18	Rhea Roane	1.18 1.19	
Franklin	1.15	Robertson	1.15	
Gibson Giles	1.13	Rutherford	1.16	
Grainger		Scott Sequatchie	1.18 1.17	
Greene Grundy	1.20	Sevier	1,20	
Grundy	1.17	Shelby Smith	1.13	
Hamblen Hamilton	1.20 1.17	Stewart	1, 16 1, 15	
Hancock	1.20	Sullivan	1, 20	
Hardeman		Sumner Tipton	1.16	
Hawkins	1.15 1.20	Trousdale	1.13 1.16	
Haywood	1.14	Unicoi	1.20	
Henderson		Van Buren	1. 19 1. 17	
Hickman	1.15	Warren	1.17	
Hickman		Washington	1.20	
Humphreys		Wayne Weakley	1.15 1.13	
Jefferson	1.20	White	1.17	
Johnson		Williamson	1.16	
Knox Lake		Wilson	1.16	
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	Wisco	ONSIN	{		
Adams		Marathon			
Ashland	1.07	Marinette			
Barron	1.05	Marquette			
Bayfield	1.06	Milwaukee			
Brown	1.09	Monroe			
Buffalo	1.05	Oconto	1.09		
Burnett	1.05	Oneida			
Calumet	1.09	Outagamie	1.08		
Chippewa	1.06	Ozaukee	1.09		
Clark	1.07	Pepin	1.05		
Columbia	1.08	Pierce			
Crawford	1.05	Polk	1.05		
Dane	1.08 1.08	Portage	1.08		
Dodge	1.10	Racine	1.07		
Douglas	1.05	Richland	1.06		
Dunn	1.05	Rock			
Eau Claire	1.06	Rusk			
Florence	1.09	St. Croix			
Fond du Lac	1.08	Sauk			
Forest	1.09	Sawyer			
Grant	1.05	Shawano			
Green	1.07	Sheboygan			
Green Lake	1.08	Taylor			
Iowa	1.07	Trempealeau.			
Iron	1.08	Vernon			
Jackson	1.06	Vilas			
Jefferson	1.08	Walworth			
Juneau	1.07	Washburn	. 1.05		
Kenosha	1.09	Washington _	. 1.08		
Kewaunee	1.10	Waukesha	. 1.08		
La Crosse	1.05	Waupaca	1.09		
Lafayette	1.07	Waushara	. 1.08		
Langlade	1.09	Winnebago	. 1.09		
Lincoln	1.08	Wood	. 1.07		
Manitowoc	1. 10	•			

WYOMING
All counties_____\$1.09
(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C.

714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the

Federal Register.
Signed at Washington, D.C., on Octo-

ber 15, 1963.

E. A. JAENKE,

Acting Executive Vice President,

Commodity Credit Corporation. [F.R. Doc. 63-11082; Filed, Oct. 18, 1963; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1963 Crop Barley Supp., Amdt. 3]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1963 Crop Barley Loan and Purchase Agreement Program

Correction

In F.R. Doc. 63-10848, appearing at page 10966 of the issue for Saturday, Oc-

tober 12, 1963, the parenthetical remark in item 2 reading "(except damage)" should read "(except heat damage)".

PART 1446—PEANUTS

Subpart—1963 Crop Peanut Price Support Program Regulations

The regulations issued by Commodity Credit Corporation with respect to 1963 crop Peanut Price Support Program (28 F.R. 8195) are amended as follows:

- 1. Subdivision (iii), of subparagraph (1) of paragraph (d) of \$1446.1533 is amended to read as follows:
- (iii) Premium for each one percent extra large kernels in Virginia type shall be 45 cents, except that no premium shall be applicable to any lot of peanuts containing more than 7 percent damaged kernels,
- 2. Subparagraph (3) of paragraph (d) of § 1446.1533 is amended to read as follows:
- (3) Damaged kernel discount. For all types of peanuts the discount per ton for damaged kernels shall be as follows:

Peanuts containing

follows:

damaged kernels of:	Discount
1 percent	(1)
2 percent	\$3.40
3 percent	7.00
4 percent	11.00
5 percent	17.00
6 percent	23.00
. 7 percent	32.00
8 percent and over	
1 Momá	

Note eligible for price support except that for peanuts having more than 7 percent damaged kernels which are determined to be eligible as provided in subparagraph (3) of paragraph (a) of § 1446.1504 the discount per ton for damaged kernels shall be as

 Peanuts containing damaged kernels of:
 Discount

 8-9 percent
 \$60.00

 10-11 percent
 80.00

 12-14 percent
 100.00

 15-18 percent
 120.00

 19-25 percent
 140.00

- 3. Subparagraph (5) of paragraph (d) of § 1446.1533 is amended to read as follows:
- (5) Foreign material discount. The discount for each full one percent foreign material in excess of 4 percent and not over 10 percent shall be \$1.00 per ton. Peanuts with more than 10 percent foreign material shall not be eligible for price support, except that peanuts having more than 10 percent foreign material which are determined to be eligible as provided in subparagraph (3) of paragraph (a) of \$1446.1504 shall be discounted further at the rate of \$2.00 per ton for each full one percent foreign material in excess of 10 percent.
- 4. Paragraphs (a) and (b) of § 1446.-1538 are amended to read as follows:
- (a) Contain not less than 25 percent splits and not more than 25 percent small whole kernels.
- (b) (1) Contain not more than (i) 2 percent peanuts of other types, (ii) 6 percent damaged or unshelled peanuts,

RULES AND REGULATIONS

(iii) 2 percent minor defects, except that any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects, (iv) 2 percent foreign material, (v) 7 percent fall through, and (vi) 10 percent moisture.

5. Section 1446.1533 is amended by adding a new paragraph (h) as follows:

(h) Moisture discount. If a lot of peanuts determined to be eligible for price support pursuant to subparagraph (3) of paragraph (a) of § 1446.1504, is found on the basis of the official grade determination to contain more than 10 percent moisture, such lot shall be subject to a discount in such amount as CCC determines will result in a support price for the peanuts received and placed in storage equal to the domestic market value therefor.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 201, 68 Stat. 899; 15 U.S.C. 714c, 7 U.S.C. 1441,

Effective date: August 1, 1963.

Signed at Washington, D.C., October 15, 1963.

E. A. Jaenke, Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 63-11083; Filed, Oct. 18, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E-AIRSPACE [NEW] [Airspace Docket No. 63-WA-79]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 73—SPECIAL USE AIRSPACE [NEW]

Designation of a Temporary Restricted Area and Alteration of Federal Airwavs

The purpose of this amendment to § 73.66 of the Federal Aviation Regulations is to designate a temporary restricted area over the weapons firing. range at Camp A. P. Hill, Virginia.

The Department of Defense, has stated an urgent request in the interest of national defense for the designation of a temporary restricted area from the surface to 2,000 feet MSL on October 21, 1963, between the hours of 0800 and 1700 local time for a special weapons training course for Central American military personnel. Mortar firing will be conducted on Range No. 19 at Camp A. P. Hill which will constitute a hazard to aircraft to an altitude level of 2,000 feet MSL.

The airspace within this restricted area will penetrate the airspace of VOR Federal airways Nos. 157, 222 and 286, and of the Washington, D.C., transition area. Action is taken herein to exclude the airspace in conflict from these air-

ways and control area extension for the period of time this restricted area is designated.

For the reasons stated above, the Administrator finds that a requirement exists for expeditious action in the interest of safety, that notice and public procedure hereon are impractical and contrary to the public interest, and that good cause exists for making this amendment effective with less than 30 days notice.

In § 73.66 (28 F.R. 19-43, January 26, 1963), the following temporary restricted area is added:

Camp A. P. Hill, Va., Temporary Restricted

Boundaries. Beginning at latitude 38°08'-00" N., longitude 77°12'00" W., to latitude 38°05'30" N., longitude 77°12'00" W., to latitude 38°05'30" N., longitude 77°15'00" W., to latitude 38°08'00" N., longitude 77°15'00" W., to latitude 38°08'00" N., longitude 77°15'00"

W., to point of beginning.

Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. 0800 to 1700 local

time, October 21, 1963.

Using agency. Department of the Army,
Camp A. P. Hill, Va.

In § 71.123 (27 F.R. 220-6, November 10, 1962) V-157, V-222, and V-286, the following is added: "The airspace within the Camp A. P. Hill, Va., Temporary Restricted Area is excluded."

In § 71.181 (27 F.R. 220-139, November 10, 1962), Washington, D.C., transition area, the following is added: "The airspace within the Camp A. P. Hill, Va Temporary Restricted Area is excluded." (Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective upon the date of issuance.

Issued in Washington, D.C., on October 17, 1963.

> CLIFFORD P. BURTON, Acting Director. Air Traffic Service.

[F.R. Doc. 63-11133; Filed, Oct. 18, 1963; 8:49 a.m.]

[Reg. Docket No. 2024]

[Special Federal Aviation Reg. No. 2]

PART 91-GENERAL OPERATING AND FLIGHT RULES [NEW]

Prohibition of Air Traffic Over and in Vicinity of Parade Routes

From October 16, 1963, through October 25, 1963, His Excellency Josip Broz Tito, President of the Socialist Federal Republic of Yugoslavia, and other officials of the Yugoslavia Republic will travel through several areas of the United States as guests of President Kennedy. Agencies of the United States Government responsible for their personal safety have requested that certain measures be taken by the Federal Aviation Agency. In the course of their visit, they will participate in reception ceremonies with officials of the United States and State and local governments involving motor caravans to and from various points of interest. The interest of the public in these ceremonies may cause the assembly on the ground of large numbers of persons and the operation of numerous aircraft along the routes and in the vicin-

ity of the places at which the ceremonies will occur.

In order to provide safeguards for persons or property on the ground, it appears necessary to promulgate an air traffic rule governing the flights of all aircraft over and in the vicinity of such ceremonies. This regulation will apply in each locality visited by the Yugoslavia delegation. The areas of airspace affected will be specified in Notams issued by the Federal Aviation Agency. Additionally, this information will be available from the local FAA air traffic control facility.

On the basis of the above, I have determined there exists a requirement for the immediate adoption of this regulation for the safety of air commerce. Therefore, I find it contrary to the public interest to comply with the notice and public procedure provisions of the Administrative Procedure Act and that good cause exists for making this regulation effective immediately.

In consideration of the foregoing, the following Special Federal Aviation Regulation is hereby adopted effective 0001 e.s.t., October 16, 1963:

1. Except as provided in section 2 hereof, no person may operate an aircraft within one statute mile horizontally, or 3,000 feet vertically, of any area designated in a Notice to Airmen as an area in which Yugoslavia President Josip Broz Tito and his official party may be present.

2. This regulation does not apply to aircraft operated by Federal, State, or local authorities while engaged in law enforcement

activities.

3. This regulation expires 2400 e.s.t., October 25, 1963.

(Sec. 307, the Federal Aviation Act of 1958, 72 Stat. 749, 49 U.S.C. 1348)

Issued in Washington, D.C., on October 15, 1963.

N. E. HALABY. Administrator.

[F.R. Doc. 63-11070; Filed, Oct. 18, 1963; 8:46 a.m.]

[Reg. Docket No. 2023; Amdt. 93-1]

PART 93-SPECIAL AIR TRAFFIC **RULES AND AIRPORT TRAFFIC PAT-**TERNS [NEW]

Victor Airway No. 16

On August 2, 1957, special air traffic rules were adopted for a segment of Victor Airway No. 16 in an area im-mediately west of Phoenix, Arizona, to resolve an air traffic conflict which had developed between military jet aircraft crossing the airway to and from Luke Air Force Base and the military and civil traffic operating on the airway. These rules are now contained in Subpart E of Part 93 [New] of the Federal Aviation Regulations, §§ 93.71, 93.73 and 93.75. The purpose of this amendment is to realign the boundaries of the airspace used by the military aircraft crossing Victor Airway No. 16 and to simplify the provisions allocating altitudes to these aircraft and the aircraft using the airway.

Under the existing regulations, Luke Air Force Base jet aircraft engaged in training operations cross Victor Airway No. 16 between longitudes 112°10' W.

and 112°28' W. at 8,000 feet MSL. When the ceiling is less than 8,000 feet MSL, two revised crossing areas are provided and lower crossing altitudes are specified. The governing ceiling is that reported by the U.S. Aerology Station at Litchfield Park NAF, Arizona. The flight of other aircraft along this segment of the airway must be conducted at altitudes above or below, or between, those allotted for the use of Luke Air Force Base.

In 1957, Luke Air Force Base was an advanced training school for student pilots. The segment of Victor Airway No. 16 involved was located over a lightly inhabited desert area. Since late 1962, the mission of the Luke installation has been expanding to include training which requires that live ordnance, i.e. napalm, and heavy inert ordnance be carried externally on the aircraft. From 20 percent to 25 percent of the 200 daily sorties return to Luke with externally hung ordnance remaining on the aircraft. During the past few years, the city of Phoenix and the adjacent communities have developed rapidly in the direction of the Air Force Base, with the result that part of the crossing corridor now overlies heavily populated areas. In consideration for the safety of the persons and property on the ground, Luke aircraft have been in-structed to use the western half of the crossing corridor as much as possible. This restriction to the smaller area creates flight hazards for the aircraft involved, both in crossing the airway and in conducting approaches to land at Luke.

By this amendment, the east boundary of the crossing corridor is moved westward 13 statute miles to 112°23' longitude, i.e., a north-south line along the west edge of Litchfield Park Naval Air Facility and Luke Air Force Base, and the west boundary is moved westward six statute miles to 112°41'30" W., i.e. a north-south line along the west edge of the Buckeye Auxiliary Airport. The altitudes for the Luke jet training crossings are fixed at 8,000 feet MSL and from 2,100 feet MSL to 4,000 feet MSL. Altitudes for other aircraft crossing or operating along this segment of the airway are thus made available from the surface, subject to the minimum safe altitude and the airport traffic area rules, to 1,600 feet MSL, from 4,500 feet to 7,000 feet inclusive, and above 9,000 feet MSL. The buffer zones and the Luke Air Force Base airport traffic area, which extends into the airway segment, provide segregation between the Luke aircraft and all other aircraft operations. Since these provisions are applicable only in Visual Flight Rules conditions, the regulation makes no reference to a ceiling measurement.

The revised crossing corridor provides adequate airspace for the military training flights originating at Luke Air Force Base. It does so with a minimum of inconvenience to other aircraft operations in the area. It is identifiable by prominent geographical references. The revision eliminates the two additional descriptions of areas required by variations in the ceiling and thus simplifies the establishment of the area. The

shift to the west provides additional maneuvering airspace for aircraft arriving and departing the Phoenix terminal area.

This amendment has been discussed in detail in local meetings with the United States Air Force, United States Navy, United States Army, Arizona State Aviation Commission, Air Transport Association, Aircraft Owners and Pilots Association, and local users. It has received unanimous acceptance.

On the basis of the above. I have determined that air safety hazards exist in the Phoenix area in the operation of aircraft carrying ordnance in limited airspace in the vicinity of the Luke Air Force Base and over substantially populated areas. Because of this present danger, I find it contrary to the public interest to comply with the notice and public procedure requirements of the Administrative Procedure Act and that good cause exists for making amendment effective immediately.

In consideration of the foregoing, Part 93 [New] of the Federal Aviation Regulations (14 CFR Part 93) is amended as follows:

1. By revising § 93.71 to read as follows:

§ 93.71 Applicability.

This subpart applies to aircraft operated under VFR conditions within Victor Airway No. 16 between longitudes 112°23' W. and 112°41'30" W., Monday through Friday from 0600 to 1800 MST.

2. By revising § 93.73 to read as follows:

§ 93.73 Crossing Victor Airway No. 16, jet training operations.

Each pilot in command of a Luke Air Force Base jet aircraft operating outside the Luke Air Force Base airport traffic pattern and engaged in a training operation that requires crossing of Victor Airway No. 16 shall cross between longitudes 112°23' W. and 112°41'30" W.:

(a) Between 2,100 feet MSL and 4,000 feet MSL; or

(b) At 8,000 feet MSL.

3. By revising § 93.75 to read as follows:

§ 93.75 Crossing and operating along Victor Airway No. 16.

Unless ATC authorizes otherwise, each pilot in command of an aircraft (other than an aircraft to which § 93.73 applies) crossing or operating en route along Victor Airway No. 16 between longitudes 112°23' W. and 112°41'30" W., shall operate:

(a) At 1,600 feet MSL or lower;

(b) Between 4,500 feet MSL and 7,000 feet MSL; or

(c) At 9,000 feet MSL or higher.

This amendment becomes effective immediately. It is issued under the authority of section 307 of the Federal Aviation Act of 1958, 49 U.S.C. 1348.

Issued in Washington, D.C., on October 14, 1963.

N. E. HALABY, Adminstrator.

[F.R. Doc. 63-11056; Filed, Oct. 18, 1963; 8:45 a.m.]

Title 16—COMMERCIAL **PRACTICES**

Chapter I—Federal Trade Commission [Docket No. C-602]

PART 13-PROHIBITED TRADE **PRACTICES**

Chesebrough-Pond's, Inc.

Subpart—Advertising falsely or misleadingly: § 13.20 Comparative data or merits; § 13.170 Qualities or properties of product or service; § 13.170-52 Medicinal. therapeutic, healthful, etc.; § 13.170-70 Preventive or protective.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Chesebrough-Pond's, Inc., New York, N.Y., Docket C-602, Sept. 25, 1963]

Consent order requiring the manufacturers of "Vaseline Petroleum Jelly" to cease making a variety of unwarranted statements as to the therapeutic and protective qualities of its said product as in the order below set forth.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Chesebrough-Pond's, Inc., a corporation, and its officers, and respondent's representatives, agents and employees directly or through any corporate or other device. in connection with the offering for sale. sale or distribution of "Vaseline" petro-leum jelly (White Petrolatum, U.S.P. or Yellow Petrolatum, N.F.), or any other preparation of similar composition or possessing substantially similar properties, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing the dissemination of, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or

by implication:

(a) That respondent's product is of value in preventing infection;

(b) That respondent's product provides a protective barrier to the skin unless limited to the water repellant effect of a continuous film of the product;

(c) That respondent's product:

(I) Is of any benefit in the treatment of burns, scrapes, scratches or abrasions unless specifically limited to the temporary relief of pain and itching and softening scabs of minor burns, scrapes, scratches or abrasions,

(2) Is of any benefit in the treatment of scabbed skin unless expressly limited to the softening of the scab and tem-porary relief of itching.

(3) Is of any benefit in the treatment of diaper rash unless expressly limited to diaper rash characterized by dry, scaly skin,

(4) Will prevent craddle cap or that it will be of any benefit in the treatment thereof unless expressly limited to the temporary softening of the crust and scales.

(5) Will have any effect upon itching unless specifically limited to itching

from sunburned, dry, chapped, chafed or scraped skin or from other minor skin injuries.

or is of any other benefit in promoting healing;

(d) That respondent's product is of any benefit in the treatment of cuts or open wounds;

(e) That respondent's product is a substitute for a first aid kit; or that the product is "The First Aid Kit in a Jar" unless such slogan is used in direct connection with or in close proximity to illustrations or descriptions of the unprohibited first aid uses of the product;

(f) That respondent's product will soothe and soften the skin better than competitors' products having substantially similar properties;

(g) That respondent's product prevents the escape of tissue fluids from the skin unless specifically limited to reducing the escape of moisture by exaporation.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, to purchase of respondent's preparation, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order. file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 25, 1963.

By the Commission.

[SEAL]

JOSEPH W. SHEA, Secretary.

[F.R. Doc. 63-11063; Filed, Oct. 18, 1963; 8:46 a.m.]

[Docket No. C-601]

PART 13-PROHIBITED TRADE **PRACTICES**

Vitamin Industries, Inc., and Joseph L. Zweiback

Subpart—Advertising falsely or misleadingly: § 13.170 Qualities or properties of product or service: Medicinal, therapeutic, healthful, etc.; § 13.170-70 Preventive or protective. Subpart-Neglecting, unfairly or deceptively, to make material disclosure; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 J.S.C. 45) [Cease and desist order, Vitamin industries, Inc., et al., Omaha, Nebr., Docket 3-601, Sept. 23, 1963]

In the Matter of Vitamin Industries, Inc., a Corporation, and Joseph L. Zweiback, Individually and as an Officer of Said Corporation

Consent order requiring distributors of three vitamin preparations in Omaha. Vebr., to cease misrepresenting the therpeutic and protective qualities of their said products in advertising in newspapers and by radio and television broadcasts, etc., as in the order below in detail indicated.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Vitamin Industries, Inc., a corporation, and its officers, and Joseph L. Zweiback, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Guardian 12 Plus Vitamins", "Guardian A/D/E Plex", and "Cal Plex F. Vitamins", or any other preparations of similar composition or possessing substantially similar properties whether sold under said names, or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing the dissemination of any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents directly or by implication:

(a) That the preparation "Guardian 12 Plus Vitamins" will be of benefit in affording protection against colds, virus . infections, or any type of influenza.

(b) That "Guardian 12 Plus Vitamins" will be of value in the treatment or relief of a lack of pep, vigor or energy, unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms are due to an established or existing deficiency of Vitamin B₁, Vitamin B₂, Vitamin C or Nicotinamide and further, unless the advertisement clearly and conspicuously reveals the facts that in a great majority of persons, or of any age, sex, or other class or group thereof who experience such symptoms, these symptoms are caused by conditions other than those which may respond to treatment by the use of the preparation, and that in such persons the preparation will not be of benefit.

(c) That "Guardian A/D/E Plex" will be of benefit in the treatment or relief of either arthritis or rheumatism, or the symptoms thereof, or any other aches or

pains.

(d) That a person, by looking in a mirror, can determine whether he has a need for "Cal Plex F Vitamins", or that a person by any means, can determine for himself whether he has symptoms of a deficiency of one or more of the nutrients provided by "Cal Plex F Vitamins".

(e) That "Cal Plex F Vitamins" will

be of benefit in the treatment or relief of brittle or dull fingernails, falling hair, hair split at the ends, dry leathery or coarse textured skin, or skin infection.

(f) That "Cal Plex F Vitamins" will be of benefit in the treatment or relief of a lack of normal vigor or life, unless such advertisement expressly limits the effectiveness of the product to those persons whose symptoms are due to an established or existing deficiency of Vitamin B₁, Vitamin B₂, or Niacinamide, and further unless such advertisement clearly

and conspicuously reveals the facts that in the great majority of persons, or of any age, sex or other class or group thereof, who experience such symptoms, these symptoms are caused by conditions other than those which may respond to treatment by the use of the product, and that in such persons the product will not be of benefit.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce. directly or indirectly, the purchase of respondents' preparations, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in or which fails to comply with any of the affirmative requirements of paragraph 1 hereof.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 23, 1963.

By the Commission.

[SEAL]

JOSEPH W. SHEA, Secretary.

[F.R. Doc. 63-11064; Filed, Oct. 18, 1963; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 519—EMPLOYMENT OF FULL-TIME STUDENTS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPE-CIAL MINIMUM WAGES

PART 528-ANNULMENT OR WITH-DRAWAL OF CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS. HANDICAPPED PERSONS, STU-DENT WORKERS, STUDENT LEARN-ERS, APPRENTICES, AND MESSEN-GERS AT SUBMINIMUM WAGE **RATES**

Application for a Full-Time Student Certificate and Definition of Terms

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, 29 CFR Parts 519 and 528 are hereby amended so as to show changes made necessary by incorporating North Carolina into Region XI of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor.

As these amendments merely reflect a change in agency organization which has already occurred, notice and opportunity for public participation are found to be unnecessary. I find that these facts also provide good cause to make the amendments effective immedi-

- 1. Paragraph (a) of 29 CFR 519.3 is amended to read as follows:
- § 519.3 Application for a full-time student certificate.
- (a) Whenever the employment of full-time students working outside of school hours in any retail or service establishment at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938 is believed to be necessary to prevent curtailment of opportunities for employment, an application for a certificate authorizing such employment may be filed by their employer with the authorized representative of the Administrator. Such application shall be signed by an authorized representative of the employer. It shall be filed at the appropriate Regional Office of the Wage and Hour and Public Contracts Divisions, except that for the Hawaiian Islands, Guam and American Samoa, the application shall be filed with the Field Office Supervisor, Honolulu, Hawaii.

(Sec. 14, 52 Stat. 1068; sec. 11, 75 Stat. 74; 29 U.S.C. 214)

2. Paragraph (c) of 29 CFR 528.2 (27 F.R. 3994, April 26, 1962, as amended at 28 F.R. 2902, March 23, 1963), and paragraph (d) of 29 CFR 528.2 (27 F.R. 3994, 'April 26, 1962), are amended to read as follows:

§ 528.2 Definition of terms.

(c) "Regional Director" shall include any Regional Director of the Wage and Hour and Public Contracts Divisions and the Field Office Supervisor, Honolulu, Hawaii:

Hawaii;
(d) "Supervising Investigator" shall include any employee of the Wage and Hour and Public Contracts Divisions who is authorized to use that title.

Signed at Washington, D.C., this 15th day of October 1963.

CLARENCE T. LUNDQUIST,

Administrator.

[F.R. Doc. 63-11066; Filed, Oct. 18, 1963; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service 17 CFR Part 29 1 TOBACCO INSPECTION

Standards: Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of Official Standard Grades for Puerto Rican Cigar-filler Tobacco, U.S. Type 46, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of consideration leading to the proposed standards. Tentative standard grades for Puerto Rican cigarleaf tobacco were established in 1952. The original standards were composed of 24 grades: 10 Stripper (C Group), 11 Filler and Grinder (X and Y Groups consolidated), and 3 Nondescript and Scrap (N and S Groups combined). These grades remained in effect until studies revealed a need for less quality distinction between grades to keep pace with usage trends from long filler to short filler and the processing of cigar tobacco.

In 1960 a modification was effected in which grades for stalk-cut tobacco were consolidated with corresponding qualities of primed tobacco. Specifications for other grades were broadened by reducing length requirements and increasing injury tolerances. The amendment added, deleted, and rephrased definitions The amendment and rules to clarify the modified grades, including the addition of a rule to govern the grading of stained tobacco. number of grades was reduced to 13: 4 Stripper (long filler), 6 Grinder (short filler), 2 Nondescript, and 1 Scrap.

This 1960 amendment was issued with a view to observing the adaptation of the modified standards and ultimately proposing their issuance as official. Studies during the two succeeding years indicated that a few grade specifications remained slightly stringent to parallel adequately the increased demand for short fillers. Thus in early 1962 a modification was adopted to further simplify the grade structure. At this time the two heavy-bodied Stripper grades were combined and the two thin-bodied Stripper grades were combined; length requirements and injury tolerances were slightly eased; one grade was added to cover the second quality stained Grinders; and the two Nondescript grades were combined. Results were an overall reduction of only two grades.

The standards as modified in 1962 constitute the present tentative standards for Puerto Rican cigar-filler tobacco. They have proved satisfactory to producers, inspectors, and the trade throughout two marketing seasons. Studies and experience during this period would indicate that with little alter- Sec ation these standards could become official. This consideration has been substantiated through informal discussions with interested groups who have observed the application of the present tentative standards and who have also reviewed a preliminary draft of the proposed official standards.

The proposal would make these tentative standards official and would incorporate into them the following changes: (1) The appropriate body designation would be added to the grade name of each Stripper and Grinder grade except the two stained Grinder grades;
(2) the body specification for X2T would be changed from "heavy" to "thin to heavy" and following this characterization would be added "sucker leaves"; (3) the definition of "crude" would delete the reference to "hard and woody" and would add that a condition similar to crude may result from sunburn or sunscald; (4) two other definitions and five rules would be slightly rephrased for clarification; and (5) the sequence of grades in the Stripper and Grinder groups would be realigned.

All persons who desire to submit written data, views, or arguments for consideration in connection with these proposed official standard grades should file the same with the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

1. Under Subpart F of Part 29 revoke "Tentative Standard Grades for Puerto Rican Cigar-filler Tobacco (U.S. Type 46)" and §§ 29.9301-29.9396 inclusive.

2. Insert in Subpart C of Part 29 immediately after § 29.4656 the following:

OFFICIAL STANDARD GRADES FOR PUERTO RICAN CIGAR-FILLER TOBACCO (U.S. TYPE 46)

DEFINITIONS

23.0201	Deminions.
29.5252	Air-cured.
29.5253	Body.
29.5254	Class.
29.5255	Clean.
29.5256	Condition.
29.5257	Crude.
29.5258	Cured.
29.5259	Damage.
29.5260	Dirty.
29.5261	Foreign matte
29.5262	Form.
29.5263	Grade.
29.5264	Grademark.
29.5265	Group.
29.5266	Injury.
29.5267	Leaf scrap.
29.5268	Length.
29.5269	Lot.
29.5270	Maturity.
29.5271	Nested.
29.5272	No grade.
29.5273	Offtype.
29.5274	Order (case).
29.5275	Package.

29.5251 Definitions.

	Sec.	
	29.5276	Packing.
	29.5277	Quality.
	29,5278	Semicured.
	.29.5279	Side.
	29.5280	Sound.
	29.5281	Stained (S).
	29.5282	Stem.
	29.5283	Stemmed.
	29,5284	Strips.
	29.5285	Sweated.
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SUMMARY OF STANDARD GRADES

29.5381 Summary of standard grades. KEY TO STANDARD GRADEMARKS

29.5386 Key to standard grademarks.

AUTHORITY: §§ 29.5251 to 29.5386 issued under 49 Stat. 734; 7 U.S.C. 511m.

DEFINITIONS

§ 29.5251 Definitions.

As used in §§ 29.5251-29.5386, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.5252 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat is sometimes used to control excess humidity during the curing period to prevent pole-sweat, pole-burn, and shed-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.5253 Body.

The thickness and density of a leaf or the weight per unit of surface.

§ 29.5254 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.5255 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more dirt or sand than those from higher stalk positions. (See rule 4.)

§ 29.5256 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.5257 Crude.

A subdegree of maturity. A condition similar to crude may result from sunburn or sunscald. Any leaf which is crude to the extent of 20 percent of its leaf surface may be described as crude. (See rule 14.)

§ 29.5258 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.5259 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Nondescript, N Group.)

§ 29.5260 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand. (See rule 15.)

§ 29.5261 Foreign matter.

Any extraneous substance or material such as stalks, straw, or abnormal amounts of dirt or sand. (See rule 15.)

§ 29.5262 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.5263 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.5264 Grademark.

A symbol or a combination of symbols designated to identify standard grades. A letter is used to indicate group and a number to indicate quality. In Type 46 the third factor denotes: F, thin to medium body; P, heavy body; T, second crop; and S, stained. For example, CIP means Strippers, first quality, heavy body.

§ 29.5265 Group.

A type division consisting of one or more grades. Groups in Type 46 are: Strippers (C), Grinders (X), Nondescript (N), and Scrap (S).

§ 29.5266 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses;

or improper fertilizing, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, ragged, sunburned, sunscalded, scorched, fire-killed, bulk-burnt, pole-burnt, barnburnt, house-burnt, bleached, bruised, blackened, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See rule 12.)

§ 29.5267 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.5268 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.5269 Lot.

A plle, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.5270 Maturity.

The degree of ripeness. Tobacco is mature when it reaches its prime state of development.

§ 29.5271 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See rule 15.)

§ 29.5272 No grade.

A designation applied to a lot of tobacco classified as nested, offtype, semicured, or wet; tobacco that is abnormally dirty or improperly baled, contains foreign matter, or has an odor foreign to the type. (See rules 3 and 15.)

§ 29.5273 Offtype.

Tobacco of distinctly different characteristics which cannot be classified in the grades of the type. (See rule 15.)

§ 29.5274 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.5275 Package.

A bundle, bale, case, or other securely enclosed parcel.

§ 29.5276 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.5277 Quality.

A division of a group or the second factor of a grade based upon the stated specifications.

§ 29.5278 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, or tobacco that has not been thoroughly dried in the curing process. (See definition of No Grade and rule 15.)

§ 29.5279 Side.

A certain phase of quality as contrasted with some other phase of quality, or any peculiar characteristic of tobacco.

§ 29.5280 Sound.

Free of damage.

§ 29.5281 Stained (S).

A term applied to tobacco that is blackened, bruised, or discolored by excessive moisture. Any leaf affected 10 percent or more by any of these conditions may be described as stained. (See rule 13.)

§ 29.5282 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.5283 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.5284 Strips.

The sides of tobacco leaves from which the stems have been removed or a lot of tobacco composed of strips.

§ 29.5285 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as fermented.

§ 29.5286 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.5287 Tobacco.

Tobacco in its unmanufactured forms as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters a manufacturing process. Conditioning, sweating, and stemming are not regarded as manufacturing processes.

§ 29.5288 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.5289 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.5290 Type 46.

That type of cigar-leaf tobacco, commonly known as Puerto Rican filler, produced principally in the inland and semicoastal areas of Puerto Rico.

§ 29.5291 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.5292 Uniformity.

A grade requirement designating the percentage of a lot which must meet the stated specifications. (See rule 11.)

§ 29.5293 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.5294 Unsweated.

The condition of cured tobacco which has not been sweated.

§ 29.5295 Wet (high-case).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 15.)

.RULES

§ 29.5321 Rules.

The application of the standard grades in §§ 29.5251-29.5386 shall be in accordance with the following rules.

§ 29.5322 Rule L

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.5323 Rulè 2.

The determination of a grade shall be based upon a representative sample or a thorough examination of a lot of tobacco.

§ 29.5324 Rule 3.

Tobacco leaves shall be placed straight in bundles or bales of normal weight, size, and shape with the butts out and tips overlapping sufficiently to make a level, solid, and uniform pack. The sides of the bundles or bales shall be completely covered with burlap or other suitable protective material. Improperly packed tobacco shall be designated "No-G."

§ 29.5325 Rule 4.

Standard grades shall be assigned to clean tobacco only.

§ 29.5326 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.5327 Rule 6.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.5328 Rule 7.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree than the minimum specifications of such grade.

§ 29.5329 Rule 8.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.5330 Rule 9.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director of the Tobacco Division, Agricultural Marketing Service.

§ 29.5331 Rule 10.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.5332 Rule 11.

Uniformity shall be expressed in terms of percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade; the remaining portion must be closely related. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.5333 Rule 12.

Injury tolerance shall be expressed in terms of a percentage. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury.

§ 29.5334 Rule 13,

First quality tobacco stained 30 percent or less shall be graded X1S. Any tobacco stained over 30 percent but not more than 75 percent shall be graded X2S. Tobacco stained over 75 percent shall be graded "N."

§ 29.5335 Rule 14.

Any lot containing 20 percent or more of crude tobacco shall be designated by the symbol "N."

§ 29.5336 Rule 15.

Tobacco shall be classified No Grade. using the designation "No-G," when it is abnormally dirty, improperly baled, nested, off-type, semicured, wet, contains foreign matter, or has an odor foreign to the type.

GRADES

§ 29.5361 Strippers (C Group).

Tobacco that is free of stain and is of long filler stemming quality.

· U.S.

Grades Grade Names and Specifications First Quality Thin Strippers CIF

Eighty-five percent must be thin to medium bodied, mature, and 13 inches or over in length. Injury tolerance, 15 percent.

CIP First Quality Heavy Strippers

Eighty-five percent must be heavy bodied, mature, and 13 inches or over in length. Injury tolerance, 15 percent.

§ 29.5362 Grinders (X Group).

Short fillers or grinders.

Grades Grade Names and Specifications X1F

First Quality Thin Grinders Seventy percent must be thin to me-dium bodied, mature, and 8 inches or over in length. Injury tolerance, 30 percent.

First quality Heavy Grinders

Seventy percent must be heavy bodied, mature, and 8 inches or over in length. Injury tolerance, 30 per-

XIS First Quality Stained Grinders

Seventy percent must be thin to heavy bodied, mature, and 8 inches or over in length. Tolerances: 30 per-

over in length. Tolerances: 30 percent injury and 30 percent stained. Second Quality Thin Grinders
Thin to medium bodied and over 30 percent injury tolerance; any yellow tobacco; or tobacco pole-burnt over

30 percent. X2P

Second Quality Heavy Grinders Heavy bodied and over 30 percent injury tolerance; any hard or woody tobacco.

X2T Second Quality Second Crop Grinders Thin to heavy-bodied sucker leaves and over 30 percent injury tolerance.

Second Quality Stained Grinders Thin to heavy bodied. Tolerances: Over 30 percent injury and over 30 percent but not more than 75 percent

§ 29.5363 Nondescript (N Group).

U.S.

Grade. Grade Name and Specifications N Nondescript

Moldy, musty, or otherwise damaged tobacco; or tobacco bruised, blackened. stained, or injured over 75 percent.

§ 29.5364 Scrap (S Group).

77.S.

Grade Grade Name and Specifications Scrap

Loose, tangled, whole or broken leaves or the web portions of leaves reduced to scrap by any process. Scrap is free of strings, paper, excessive dirt, and other foreign matter.

SUMMARY OF STANDARD GRADES

§ 29.5381 Summary of standard grades.

2 Grades of strippers

CIF CIP

1 Grade of nondescript

N

7 Grades of grinders

X1F	X1P	X2T	X1S
X2F	X2P		X2S
		1	

1 Grade of scrap

Tobacco not covered by standard grades is designated "No-G."

KEY TO STANDARD GRADEMARKS

§ 29.5386 Key to standard grademarks.

Ovalities Groups C—Strippers X—Grinders N—Nondescript S—Scrap 1—First 2—Second

Third factors F—Thin to medium body P—Heavy body T—Second crop S—Stained This proceeding was instituted on

Done at Washington, D.C., this 16th day of October, 1963.

G.R. Grange, Deputy Administrator, Marketing Services.

[F.R. Doc. 63-11078; Filed, Oct. 18, 1963; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDU-CATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

COLOR ADDITIVES

β-APO-8'-Carotenal; Notice of Change of Date of Prehearing Conference

There was published in the FEDERAL REGISTER of September 20, 1963 (28 F.R. 10300), a notice of hearing for the purpose of receiving relevant and material evidence on the issue of whether the Secretary of Health, Education, and Welfare should find, under the standards provided in 21 CFR 8.6(b), that certification of batches of the color additive β -apo-8'-carotenal is not necessary in the interest of the protection of the public health. Interested parties and their counsel have requested that the prehearing conference be scheduled for October 25, 1963, instead of October 22, 1963; and, good reason therefor appearing, notice is given that the prehearing conference will be held at 10 a.m. on October 25, 1963, in Room 5131, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C.

Dated: October 17, 1963.

WILLIAM E. BRENNAN, Hearing Examiner, Food and Drug Division, Office of the General Counsel.

[F.R. Doc. 63-11151; Filed, Oct. 18, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. I]

[No. MC-C-3437]

MOTOR TRANSPORTATION OF PROP-ERTY INCIDENTAL TO TRANSPOR-TATION BY AIRCRAFT ¹

Supplemental Notice of Proposed Rule Making and Order

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on th 17th day of September A.D. 1963.

October 4, 1961, by the Commission, Division 1, on its own motion, with a view to determining and prescribing by regulation the circumstances under which and the areas or distances within which the motor carriage, in interstate or foreign commerce, of property is transportation incidental to transportation by aircraft within the meaning of section 203(b) (7a) of the Interstate Commerce Act. The order instituting the proceeding provided for participation by motor and air carriers, or any other interested persons, through the submission of written statements of facts, views, and arguments. A number of such statements have been received, and all of them have . been considered. A related rule-making proceeding, in-

A related rule-making proceeding, instituted August 26, 1961, is also pending before the Civil Aeronautics Board in its Economic Regulations Docket No. 12951 (26 F.R. 8037). This proceeding deals with the establishment of terminal zones within which air cargo pick-up and delivery services may be performed by air carriers pursuant to tariffs filed with that agency under the Federal Aviation Act.

In his message to the Congress on transportation of April 5, 1962, President Kennedy stated that he was "requesting the Chairmen of the Civil Aeronautics Board, the Interstate Commerce Commission, and the Federal Maritime Commission to meet at frequent intervals to discuss regulatory problems affecting the various modes of transportation and to seek coordinated solutions in the form of legislative or administrative action that will improve the regulatory process". Information which has come to our attention in the course of such meetings, which have been held both on the Commission and staff level, as well as from representations previously submitted in this proceeding, indicates that there now exist substantial barriers to the effective participation of air freight forwarders (indirect air carriers) holding authority from the Civil Aeronautics Board in intermodal air-motor transportation. It is also apparent that this situation, in part, at least, has been due to the Commission's decision in Panther Cartage Co. Extension-Air Freight, 88 M.C.C. 37, decided October 4, 1961, which held, in effect:

- (1) That the incidental-to-aircraft exemption of section 203(b) (7a) of the Act applies to the motor transportation of shipments which have had an immediately prior or subsequent movement by air freight forwarder only to the extent that the motor movement takes place within the terminal area, not of the forwarder, but of the direct air carrier performing the line-haul transportation; and
- (2) That the air freight forwarder supporting the application had been utilizing the services of motor carriers between the airport and points beyond the terminal area of direct air carriers serving the airport in such a way that it had been operating, without appropriate authority, as a surface freight forwarder subject to the provisions of part IV of the Interstate Commerce Act.

In the light of the foregoing, it has been determined that a supplemental

notice of proposed rule-making should be issued to obtain additional information on the subject matter involved; and that to this end the proceeding should be reopened so that interested persons may file representations in support of or in opposition to, or suggesting possible modifications and improvements in, the following proposed rules:

Rules Proposed: A. To the extent that the territorial scope of an aircarrier terminal area is relevant to the determination whether the motor transportation of a shipment having an immediately prior or subsequent movement by air is exempt from the certificate and permit requirements of Part II of the Interstate Commerce Act by virtue of section 203(b) (7a) of the Act, no distinction shall be made between shipments moving on the billing of direct air carriers and those moving on the billing of air freight forwarders (indirect air carriers) holding authority from the Civil Aeronautics Board.

B. An air freight forwarder may receive from or turn over to an authorized motor common carrier shipments moving from or to a point or points beyond the territorial scope of the incidental-to-aircraft exemption of section 203(b) (7a) of the Interstate Commerce Act without being considered as conducting operations as a freight forwarder subject to part IV of the Act, provided:

- 1. That the air freight forwarder shall not hold out to assume responsibility for, nor make any claim in its advertising, solicitation of freight, or tariff publications that it will assume responsibility for, any shipment prior to its receipt from or after it is turned over to an authorized motor common carrier for movement beyond the air freight forwarder's terminal area as defined in tariffs filed with and accepted by the Civil Aeronautics Board.
- 2. That all shipping documents issued by the air freight forwarder shall state clearly that its responsibility for the shipment does not extend beyond its actual air movement and the territorial extent of its terminal area as provided for in tariffs published with the Civil Aeronautics Board.
- 3. That the air freight forwarder shall receive no compensation from any shipper or motor carrier for services rendered in connection with the receipt of or delivery to a motor carrier for movement beyond the air freight forwarder's terminal area.

It is ordered, therefore, That this proceeding be, and it is hereby, reopened and the scope thereof expanded to encompass the matters described hereinabove, under the authority of sections 204(a) (6) and 403(a) of the Interstate Commerce Act and section 4 of the Administrative Procedure Act;

It is further ordered, That no hearings be scheduled for the receiving of oral testimony on the matters which are the subject of this supplemental notice of proposed rulemaking; but that motor carriers, air carriers, or any other interested person, whether or not they have heretofore participated in this proceeding, may participate herein by submitting for consideration written statements of facts, views, and arguments on any

¹ The phrase "of property" has been added to the title to distinguish this proceeding from the subsequently-instituted No. MC-C-4000, Motor Transportation of Passengers Incidental to Transportation by Aircraft.

of the subjects specifically mentioned above or any others pertinent to this proceeding, by filing with the Commission at its office in Washington, D.C., on or before November 27, 1963, 15 copies of such statements, one copy of which shall be signed. All such statements shall be considered as a part of the record in this proceeding.

And it is further ordered, That a copy of this order be served on all present parties to this proceeding, that copies be mailed to the Civil Aeronautics Board and to the Public Service Commissions or Boards of each State having jurisdiction over motor transportation, that a copy be posted in the office of the Secretary of the Commission for public inspection, and that a notice of the proceeding be delivered to the Director, ceding be delivered to the Director, and the Federal Register for publication in the Federal Register for publication in the Federal Register as notice to all interested persons.

By the Commission.

[SEAL]

Harold D. McCoy, Secretary.

[F.R. Doc. 63-11123; Filed, Oct. 18, 1963; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

FINISHED PRODUCTS OTHER THAN RESIDUAL FUEL OIL TO BE USED AS FUEL

Adjustment in Maximum Level of Imports; Puerto Rico

The maximum level of imports into Puerto Rico of finished products, other than residual fuel oil to be used as fuel, established by Presidential Proclamation 3279 (24 F.R. 1781), as amended, is modified pursuant to paragraph (c) of section 2 of the Proclamation to permit, during the period October 15, 1963 through November 5, 1963, 21,600 barrels of imports of liquefied petroleum gas to meet the demand in Puerto Rico.

All non-Governmental holders of allocations of imports of finished products, other than residual fuel oil to be used as fuel, into Puerto Rico, have been canvassed with respect to their interest in supplying the requirements for liquefied petroleum gas. With the exception of the Tropical Gas Company, Inc., all others have stated that they have no interest. Accordingly, the allocation made to the Tropical Gas Company, Inc., will be increased to permit them to import into Puerto Rico an additional 21,600 barrels of liquefied petroleum gas during the period October 15, 1963 through November 5, 1963.

> Stewart L. Udall, Secretary of the Interior.

OCTOBER 15, 1963.

[F.R. Doc. 68-11065; Filed, Oct. 18, 1963; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARBEETS

Notice of Hearing

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended (61 Stat. 922) is preparing to consider the commitment of acreage for the 1964 and 1965 sugarbeet acreage reserve which has become available by reason of the revocations by the Secretary of the commitments of acreage to produce 50,000 tons of sugar, raw value, for the 1964 crop of sugarbeets, and 34,000 tons of sugar, raw value, for the 1965 crop of sugarbeets. Notice of such revocation is scheduled to appear in the Federal Register of October 19, 1963, under Title 7-Agriculture. The Secretary is also preparing to consider the commitment of acreage for 1966, the commitments for which have not heretofore been made.

In accordance with the provisions of section 302 of the Sugar Act of 1948, as amended, an informal public hearing on the matter will be held in the Jefferson Auditorium, U.S. Department of Agriculture, South Building, Washington, D.C., beginning at 10:00 a.m. on December 10, 1963, for consideration of requests for the 1964, 1965 and 1966 crop years.

It is planned to carry over into 1966, a tonnage of sugar which with the 1966 reserve of 65,000 tons will be sufficient for two new plants that year. The act limits the carryover into 1966 to the acreage required to produce 35,000 tons, raw value, of sugar. The 50,000 ton reserve, or the part thereof not committed for 1964, will be added to the 34,000 ton reserve for 1965. The acreage required to yield this tonnage of sugar is available primarily for the construction of new facilities in new areas and secondarily for substantial expansion of existing facilities.

Those localities that requested reserve acreage of the 1964 or 1965 crops for new facilities or for expanded facilities at the public hearing in September 1962 may renew their requests at the December 10 hearing.

(1) Submittal of requests for acreage. Requests for reserve acreage for each of the crops 1964, 1965 and 1966 (preferably one request for each project) shall be addressed to the Director, Sugar Policy Staff. Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., and shall be submitted in triplicate at the hearing. Interested persons will be given the opportunity at the hearing to submit data, views and arguments in regard to such requests. Provision for submitting written arguments and briefs after the hearing will be announced at the hearing.

(2) Specifications to be covered in requests. Requests for reserve acreage should include all relevant information including the following:

(a) The location of the processing facility and concise delineation of the area wherein the beets for the new or expanded facility will be grown,

(b) The acreage desired and its sugar equivalent, including the basis for the estimate of the sugar equivalent; also the crop year when the new facility would commence processing sugarbeets or when the expansion in the old facility would be effective, and, if a case can be made for commencement in an alternate year, the alternate year for which consideration is desired if the reserve acreage has been committed for the year of first choice.

(c) In the case of a new factory, the daily slicing capacity and the contemplated slicing period. In the case of an expanded facility, the details of the expansion, including the percentage of such

expansion and the full details of the changes made in the facilities.

(d) A complete description of the arrangements made for capital financing. The firmness of the capital commitment would be considered as shown by the applicant if all arrangements for the necessary funds for the project, contingent only upon the commitment of an acreage by the Secretary, have been completed.

(e) The suitability of the area for growing sugarbeets, as evidenced by any production records, results of plantings on test plots which were performed and supervised by competent authorities, a showing of the availability of irrigation water or of adequate rainfall, availability of suitable land and other evidence relating to the continued feasibility of growing the required sugarbeets in the area, including also proof of interest of farms in entering into and continuing in sugarbeet production.

(f) The proximity of other factories and the extent to which sugarbeets are now being produced in the area in which the beets for the new or expanded facility will be contracted.

(g) The need for a cash crop or a replacement crop in the area, including a full statement regarding the crops presently being grown and the crops which are to be replaced by sugarbeets.

(h) The accessibility to sugar markets, as indicated by population data, the extent of the existence in the proposed markets of industrial users of sugar, distances and freight costs to proposed sales areas and the extent and nature of the competition for the market in such areas.

(i) The estimated amount of acreage that would be supplied by each of the following categories and subcategories of growers and the number of growers involved in each instance (all reference to sugarbeets relates to those grown for the extraction of sugar):

For an expanded facility. Growers who did not grow sugarbeets during any of the three years immediately preceding the year when the facility will become operative; growers who grew sugarbeets during all three such years (a) for the proposed expanded facility or (b) for another facility; growers who grew sugarbeets during only the immediately preceding two of such years (a) for the proposed expanded facility or (b) for another facility; and growers who grew sugarbeets during only the immediately preceding year of such years (a) for the proposed expanded facility or (b) for another facility.

For a new facility. Growers who did not grow sugarbeets for any facility during any of the three years immediately preceding the year when the facility will become operative; growers who grew sugarbeets for another facility during all three such years; growers who grew sugarbeets during only the immediately preceding two of such years, and growers

who grew sugarbeets during only the immediately preceding first of such years.

Statement of bases and considerations. A hearing was held in September 1962 at Washington, D.C., to receive requests for commitments of acreage for the crop years 1962 through 1965. Subsequent to this hearing, five commitments of acreage were made, as follows:

(1) 19,000 acres, estimated to produce 45,700 short tons of sugar, for the 1963 crop, to the locality to be served by a factory then being built by the Spreckels Sugar Company near Mendota, California. This factory commenced opera-

tions this summer.

(2) 24,730 acres, estimated to produce 50,000 short tons of sugar, for the 1964 crop, to farms in three counties in the Texas Panhandle Area and in Curry County, New Mexico. Sugarbeets will be grown in this locality for a new factory being built by the Holly Sugar Corporation near Hereford, Texas, scheduled to commence operations in 1964.

(3) 20,000 acres, estimated to produce 50,000 short tons of sugar, to the Phoenix, Arizona area, for a factory proposed to be built near Phoenix, Arizona, under the supervision of the Arizona Sugar Beet Committee. This factory was scheduled to commence operations for

the 1964 crop.

(4) 31,000 acres, estimated to produce 50,000 tons of sugar, to the northern Red River Valley area of Minnesota and North Dakota for a factory to be built near Drayton, North Dakota, by the American Crystal Sugar Company. This factory is scheduled to commence operations in 1965.

(5) 19,000 acres, estimated to produce 34,000 short tons of sugar to the locality in eastern South Dakota, northwestern Iowa and northeastern Nebraska to be served by a factory to be built in southeastern South Dakota by the Utah-Idaho Sugar Company. This factory was scheduled to commence operations for the 1965 crop.

Actions to revoke the commitment of 20,000 acres to the Phoenix, Arizona area and the commitment of 19,000 acres to the locality to be served by the factory proposed to be built in southeastern South Dakota have been taken. These actions were taken pursuant to the Secretary's findings that the construction of sugarbeet processing facilities and contracting for the processing of sugarbeets by the Arizona Sugar Beet Committee and the Utah-Idaho Sugar Company had not proceeded in substantial accordance ~ with the representations made to him as a basis for his determination of distribution of the sugarbeet acreage reserve.

Effective date: Date of publication.

Signed at Washington, D.C. on October 16, 1963.

H. D. GODFREY,

Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-11080; Filed, Oct. 18, 1963; 8:47 a.m.]

NOTICES

Office of the Secretary KANSAS

Designation of County Where Great Plains Conservation Program Is Applicable |

Designation of county within the great plains area of the ten great plains states where the great plains conservation program is specifically applicable.

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p(b)), as amended, the following county in the following State is designated as susceptible to serious wind erosion by reason of its soil types, terrain, and climatic and other factors.

KANSAS

Done at Washington, D.C., this 15th day of October 1963.

> ORVILLE L. FREEMAN, Secretary.

[F.R. Doc. 63-11068; Filed, Oct. 18, 1963; 8:46 a.m.]

TEXAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Guadalupe County, Texas, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1964, except to applicants who previously received emergency or special livestock Ioan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of October 1963.

> ORVILLE L. FREEMAN, Secretary.

JF.R. Doc. 63-11084; Filed, Oct. 18, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14813; Order No. E-20099]

AMERICAN AIRLINES, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of October 1963.

Family fares for services other than first class proposed by American Airlines,. Inc., Braniff Airways, Inc., Continental Passenger Rules Tariff C.A.B. No. 43.

Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc.

By tariff revisions 1 bearing a posting date of September 12, 1963, and marked to become effective October 27, 1963, United Air Lines, Inc. (United), proposed a family fare for its one-class standard service at full one-class fare for the head of the family and 50 percent of the full one-class fare for each accompanying family member (spouse and children 2 through 21 years of age). The proposed fare would be applicable on the same days and under the same general conditions as the first-class family fare. This is the first family fare filed by any carrier for a class of service other than first class.

Subsequent to United's filing, a number of carriers filed competitive tariff revisions for a 50-percent discount family fare for coach service, but restricted to those flights that compete with United's one-class service. American Airlines, Inc. (American), filed a similar family fare for coach service, but applicable to its entire system, and to both jet and propeller equipment. In the following few days, all the trunkline carriers except Northeast and Western filed defensive family fares for coach service. In addition, American and Continental filed defensive 50-percent discount family fares applicable to their business-class services, and American. Continental, TWA, and United filed defensive 331/3-percent discount family fares for their economy services. As with the first-class family fare now in effect, the head of the family would pay the full fare applicable to the class of service utilized, whereas each accompanying member or members would pay the fraction of the full fare authorized for such family members in that particular class of service.

Eight carriers (American, Braniff, Continental, Delta, Eastern, National, Northwest, and TWA) have filed complaints with the Board seeking investigation and suspension of United's proposed family-plan fares, as well as all the proposals of the other trunkline carriers, including their own defensive filings. In summary, the complaints allege that no data have been submitted by United in justification of its original filing: that United's proposal ignores the existence of certain relationships between all classes of service; that the proposal would offer substantially reduced rates to family-plan passengers in classes other than first class at fares that would be uneconomic and therefore unjust and unreasonable; that the extension of family fares to other than first-class service would bring great harm to the industry; and that revenue losses due to dilution would be approximately \$40 to \$50 million annually. Some complaints emphasize that because of the many

¹Revisions to C. C. Squire's Local and Joint

changes in family fares in the past years, the family plan can no longer be considered strictly a promotional fare; that the entire family plan and its applicability should be investigated; and that there is no evidence to sustain the reasonableness of these proposed fares from a cost standpoint.

In support of its filing of September 12, 1963, and in answer to the complaints, United alleges that its proposal to apply the family plan to one-class service was prompted by American's actions last March that increased the family-plan discount on first-class service from 331/3 percent to 50 percent, and to extend the plan from mid-week days to six days per week. Although proposing a significant extension to the existing family plans, United contends that the trafficgenerating qualities of family-plan fares are of doubtful value; that there are no compelling reasons to limit the family plan to first-class service; and that although an investigation of all the revisions to the plan may be appropriate, the suspension of its proposal in order to maintain the status quo is not.

The carriers' proposals to apply family fares to all services other than first class were preceded by various filings.2 On March 10, 1963, United's one-class service first went into effect in a limited number of markets, and more recently this service was extended by United to additional markets. Also on March 10, 1963. American increased the first-class family-plan discount from 331/3 percent to 50 percent. On August 26, 1963, TWA proposed to cut down its first-class family-fare discount from its present 50 percent to 40 percent, and its proposal was followed by similar filings by all the other trunkline carriers except American and Continental. The apparent failure of these two carriers to go along with the rest of the industry in raising family fares (by cutting down the prevailing 50-percent discount) appears to have caused the other carriers to revert to the 50-percent discount level.

The Board has entertained serious doubts for some time that the first-class family plan is any longer a useful and economic discount for the domestic trunk operations. For example, it is difficult to believe that a first-class fare discount offered between the same points and on the very same flights as coach service would result in any significant generation of new traffic. Almost two years ago, the Board invited the domestic industry to reevaluate this type of discount in the light of then-current factors.3 Despite the fact that our opinion seemed to be shared by a majority of the trunklines, the first-class family discount has not only been retained, but earlier this year the discount was increased to 50 percent and the period of

its applicability was broadened. We permitted those filings to become effective, notwithstanding grave reservations regarding their economic soundness, in accordance with our long-standing policy of affording individual carrier managements maximum discretion to experiment with fare discounts.

The currently effective first-class family-fare discount produces fares in many instances lower than the normal fares in the business-class, one-class, and coach services. This anomalous circumstance has triggered the instant series of filings by which the carriers are attempting to protect their lower classes of service from undue diversion to higher-rated services by virtue of the family discount. None of the filings has been contended to be economic and, except for United's proposal to apply a family discount to its one-class service, all these filings are said to be defensive in nature. The Board is asked to suspend all of them pending investigation

Absent some prompt, constructive step by the industry, it is clear that an overall investigation of the family-fare tariffs is required. The economic justification for a discount from normal fares for given classes of service essentially rests on the expectation of a net gain in revenues and profits. Although the proposed discount as applied to coach services probably would generate new traffic, the average yield at the 50-percent discount may well be below cost. With respect to the higher-class services. as noted earlier, we doubt even the promotional effectiveness. Moreover, the family-fare discounts have always presented a serious question of unjust discrimination which is now magnified by the apparent diminution of the economic basis for the fares.

This suspension issue presents a close and difficult question. On the one hand, it is difficult to justify perpetuating the present anomaly in which the first-class family passenger pays less than the coach passenger for a better service. Similarly, it is difficult to prevent, even temporarily, a competing carrier from protecting itself from such fare com-On the other hand, we must petition.4 consider the probable unlawfulness of these proposals and the adverse impact on the whole industry if they are permitted to become effective. On consideration of all these factors, we conclude that suspension is required to prevent what may well be irreparable economic damage to a majority of the industry. We intend to process this investigation as quickly as possible, so as to resolve the basic family-plan issues which have initiated this chain reaction. Moreover, we have instructed our staff to meet with the industry to explore the possibility of reaching an early and sound solution.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly

sections 204(a), 403, 404, and 1002 thereof.

It is ordered. That:

1. An investigation is instituted to determine whether the fares, charges, and provisions described in the attached Appendix A are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares, charges, and provisions;

2. Pending hearing and decision by the Board, the fares, charges, and provisions described in Appendix A, so far as applicable to interstate air transportation, are suspended and their use deferred to and including January 24, 1964, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board:

3. The complaints in Dockets 14775, 14769, 14772, 14768, 14773, 14771, 14778, and 14774 to the extent granted are consolidated herein:

4. The request of United Air Lines, Inc., that the Board dismiss the complaints listed in (3), above, is denied;

5. The investigation ordered herein includes the investigation of first-class family fares presently offered by the domestic trunkline and local service carriers;

6. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

7. A copy of this order be filed with the aforesaid tariffs and be served upon all the domestic trunkline and local service carriers of the United States, which are hereby made parties to this proceeding.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.6

[SEAL] HAROLD R. SANDERSON, Secretary.

[F.R. Doc. 63-11074; Filed, Oct. 18, 1963; 8:46 a.m.]

[Docket 10976 etc.]

CALIFORNIA-NEVADA EXCURSION FARES INVESTIGATION

Notice of Postponement

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter now assigned to be heard on November 13 is postponed to December 11, 1963, 10 a.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 15, 1963.

[SEAL]

Francis W. Brown, Chief Examiner.

[F.R. Doc. 63-11075; Filed, Oct. 18, 1963; 8:46 a.m.]

² Moreover, other competitive devices were initiated. First, United offered free drinks to its one-class adult passengers on longer flights. Then TWA and American, which had been charging coach passengers for drinks, started to serve free drinks to coach passengers on longer flights. Following this, United also started to serve free drinks to coach passengers.

³E.g., Order E-17885, December 28, 1961.

^{&#}x27;In this regard, we would note that the current competitive situation between the several classes of service might be eased materially, at least for an interim period, by providing that the same dollar fare produced by the first-class family fare would also apply to family members traveling in the lower classes of service.

⁵ Filed as part of the original document. ⁶ Murphy, Vice Chairman, and Minetti, Member, filed the concurrence and dissent.

11240 NOTICES

[Docket 14682]

CUNARD EAGLE PERMIT

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding has been postponed until November 6, 1963, at which time it will open at 10:00 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., October 15, 1963.

[SEAL]

MERRITT RUHLEN, Hearing Examiner.

[F.R. Doc. 63-11076; Filed, Oct. 18, 1963; 8:46 a.m.]

[Docket 13292]

SERVICE TO HOT SPRINGS, VA. Notice of Reassignment of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter now assigned to be heard on December 4 is reassigned to November 13, 1963, 10 a.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 16, 1963.

[SEAL]

Francis W. Brown, Chief Examiner.

[F.R. Doc. 63-11077; Filed, Oct. 18, 1963; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

COMPAGNIE MARITIME BELGE (LLOYD ROYAL) S.A., AND ARME-MENT DEPPE, S.A.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8610-1, between Compagnie Maritime Belge (Lloyd Royal), S.A., and Armement Deppe, S.A., changes the scope of sailing agreement 8610 by adding Florida East Coast ports eastbound, and South Atlantic ports from Charleston to Key West, both inclusive, westbound, to the trade between the U.S. Gulf of Mexico ports and the ports in France, Belgium, Holland and Germany previously covered. The modification further provides that the parties shall adhere to the rates filed by any conference engaged in the trades covered by this agreement in which both participants are members, and, in the event no conference rate is on file, or, if either or both of the parties are not members of such conference, then the parties shall apply identical rates in the trade covered by this agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Franciso, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, to-gether with a request for hearing, should such hearing be desired.

Dated: October 16, 1963.

By order of the Federal Maritime Commission.

Thomas Lisi, Secretary.

[F.R. Doc. 63-11071; Filed, Oct. 18, 1963; 8:46 a.m.]

SCINDIA STEAM NAVIGATION CO., LTD., AND ALCOA STEAMSHIP CO., INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916. (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9254, between Scindia Steam Navigation Co., Ltd., and Alcoa Steamship Company, Inc., covers a through billing arrangement on general cargo transported from loading ports of Scindia Steam Navigation Co., Ltd., in India and Pakistan to ports of call of Alcoa Steamship Company, Inc., in Puerto Rico with transhipment at Mobile, Alabama, and New Orleans, Louisiana, in accordance with the terms and conditions set forth therein.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 16, 1963.

Thomas Lisi, Secretary.

[F.R. Doc. 63-11072; Filed, Oct. 18, 1963; 8:46 a.m.]

YOUNG BROTHERS, LTD.

Notice of Amendment of Agreement Filed for Approval

Notice is hereby given that the amendment described below has been filed with

the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814):

Agreement No. 8282—1 provides for the substitution of Young Brothers, Limited (a Hawaii corporation) for Oahu Railway and Land Company, Young Brothers Division, as a party to Agreement No 8282, the former having become the successor in interest to the latter.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit within 20 days after publication of this notice in the Federal Register, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 16, 1963.

By order of the Federal Maritime Commission.

Thomas Lisi, Secretary.

[F.R. Doc. 63-11073; Filed, Oct. 18, 1963 8:46 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2397]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Application for License

OCTOBER 14, 1963.

Public notice is hereby given that ap plication has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Central Vermont Public Service Corporation (correspondence to: Porter E Noble, Clerk and General Counsel, 7 Grove Street, Rutland, Vermont) for license for constructed Project No. 2397 known as Gage Plant, located on Passumpsic River in the vicinity of Si Johnsbury Center, Caledonia County Vermont.

The project consists of: A reservoir o about 15.2 acres created by a concret gravity type dam about 13 feet high having 6 feet of flashboard to supply : normal operating head of 15 feet, a spill way section about 43 feet in length, and an intake structure located at righ angles upstream to the spillway and con taining headgates and trashracks and diverting water through a canal 40 fee wide and 90 feet long to the powerhouse a concrete and steel frame powerhous containing two generating units witl total rated capacity of 1,190 horsepowe and total generated output of 700 kilo watts; a 12,500 volt transmission lin from the powerhouse connected to th Bay Street Substation in St. Johnsbur Center; and appurtenant mechanica and electrical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice an procedure of the Commission (18 CFI 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 4, 1963. The application is or

file with the Commission for public spillway and 10 feet of stop log section; inspection.

GORDON M. GRANT, Acting Secretary.

[F.R. Doc. 63-11057; Filed, Oct. 18, 1963; 8:45 a.m.1

[Project No. 2399]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Application for License

OCTOBER 14, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Central Vermont Public Service Corporation (correspondence to: Porter E. Noble, Clerk and General Counsel, 77 Grove Street, Rutland, Vermont) for license for constructed Project No. 2399, known as Arnolds Falls Plant, located on the Passumpsic River, Village of St. Johnsbury, Caledonia County, Vermont.

The project consists of a timber crib. rock fill dam about 18 feet high in two sections separated by an island, creating a reservoir of about 7.2 acres. The dam consists of 255 feet of spillway with 18inch flashboards, and a powerhouse forming part of the dam. In addition to a head gate and trash racks, the powerhouse contains a vertical shaft turbine rated at 450 horsepower and a generator rated at 350 kilowatts. The powerhouse is constructed of concrete foundation with steel frame and masonry superstructure. The plant is connected to the Bay Street Substation by a 12,500 volt transmission line and includes appurtenant mechanical and electrical facalities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 4, 1963. The application is on file with the Commission for public inspection.

> GORDON M. GRANT. Acting Secretary.

F.R. Doc. 63-11058; Filed, Oct. 18, 1963; 8:45 a.m.1

[Project No. 2400]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Application for License

OCTOBER 14, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Central Vermont Public Service Corporation (correspondence to: Porter E. Noble, Clerk and General Counsel, 77 Grove Street, Rutland, Vermont) for license for constructed Project No. 2400. known as Passumpsic Plant, located on the Passumpsic River, Village of Passumpsic, Caledonia County, Vermont.

gravity type dam about 10 feet high and 258 feet long consisting of 248 feet of Nos. 1 and 2.

an open concrete lined canal 22 feet wide and 87 feet long; head gates located at the unstream end of the canal and a set of trash racks located at the entrance to the powerhouse; a powerhouse operating under a normal head of 22 feet, with a concrete foundation and steel frame and masonry superstructure, and containing a vertical shaft turbine unit rated at 990 horsepower and a generator rated at 700 kilowatts; and appurtenant mechanical and electrical facilities. The plant is connected to the Bay Street Substation in St. Johnsbury, Vermont, by a 12,500 volt transmission line.

Projects or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 4, 1963. The application is on file with the Commission for public inspection.

> GORDON M. GRANT, Acting Secretary.

[F.R. Doc. 63-11059; Filed, Oct. 18, 1963; 8:45 a.m.]

[Docket No. RP64-8]

MIDWESTERN GAS TRANSMISSION

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets, Fixing Date of Hearing and Allowing Proposed Revised Tariff Sheets to Become Effective Subject to Refund Obligation

OCTOBER 14, 1963.

On September 13, 1963, Midwestern Gas Transmission Company (Midwestern), tendered for filing 1 revised tariff sheets 2 to its FPC Gas Tariff, such sheets to become effective October 15, 1963. Under the filing, Midwestern proposes to increase the monthly minimum bill of its northern system Rate Schedule CD-2 from a 75 percent load factor to an 871/2 percent load factor minimum. Midwestern states that this increase is necessary to reflect the establishment of a new 95 percent annual minimum load factor by its northern system supplier. Trans-Canada Pipe Line, Ltd. (Trans-Canada), which will become effective automatically on October 15, 1963, in accordance with the provisions of Trans-Canada's existing gas supply contract with Midwestern. There is no proposal to change the presently-effective demand

rate of \$4.55 and commodity rate of 25.2 cents per Mcf at 14.73 psia.

Michigan Wisconsin Pipe Line Company, which purchases 77 percent of Midwestern's contract demand with Trans-Canada, and which is the only purchaser under Midwestern's CD-2 rate, has agreed not to object to the proposed increase in monthly minimum bill by an agreement dated May 16, 1960, however, it is estimated that Michigan Wisconsin Pipe Line Company will experience an increase in purchased gas cost of approximately \$390,000 a year and will suffer an adverse affect upon its prepaid gas account in view of recent agreements to increase takes from other suppliers.

The probable impact on Midwestern is indicated by the fact that the proposed 95 percent Trans-Canada provision applied to Midwestern-Michigan Wisconsin sales volumes for 1962 would have required Midwestern to pay approximately \$1,750,000 for gas it did not take. Had Michigan Wisconsin taken gas at 87½ percent load factor throughout the summer months, instead of 75 percent, the cost of gas not taken by Midwestern would have declined to \$900,000.

The change in rate and minimum charge contained in the revised tariff sheets tendered for filing on September 13, 1963 have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commisssion finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges and classifications and services contained in Midwestern's FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, as proposed to be amended by the revised tariff identified above and that said proposed revised tariff sheets be suspended and the use thereof deferred as hereinafter provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the proposed change in rate and minimum charges contained in First Revised Sheet No. 10 to Midwestern's FPC Gas Tariff, First Revised Volume No. 1 (and the revised title pages for Midwestern's FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2), be made effective as here-inafter provided and that Midwestern be required to file a motion and an undertaking as hereinafter ordered and conditioned.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the public hearing provided herein be expedited.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereunder, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing be held on a date fixed by notice from the Presiding Examiner as hereinafter provided, concerning the lawfulness of

¹ This filing was made pursuant to § 154.63 (b) (2) of the Commission's regulations under the Natural Gas Act. Since this filing is, in fact, a major rate increase it should have complied with § 154.63(b) (4), and therefore, the filing is deficient. Ordering Paragraph (G) requires Midwestern to satisfy this deficiency, but such Commission action is not to be construed as condoning the lack of compliance with its Regulations, or assurance that future filings will be accepted in comparable situations.

² First revised Sheet No. 10 to Midwestern's The project consists of: a concrete FPC Gas Tariff, First Revised Volume No. 1 and the title sheets to its tariff Volumes

the rates, charges, classifications and services contained in Midwestern's FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, as proposed to be amended by First Revised Sheet No. 10 and the revised title pages to the volumes.

(B) Pending such hearing and decision thereon, Midwestern's proposed revised tariff sheets identified in Paragraph (A) above, hereby are suspended and their use deferred until October 16, 1963: Provided, however, That, within 20 days from the date of this order, Midwestern shall file a motion as required by section 4(e) of the Natural Gas Act and concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (D) below. Unless Midwestern is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) Midwestern shall refund at such times and in such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of 7 percent per annum from the date of payment to Midwestern until refunded; shall bear all costs of any such refunding, shall keep accurate accounts in detail of all amounts received by reason of the-tariff sheets made effective as of October 16, 1963, for each billing period, specifying by whom and in whose behalf such amounts were paid, and shall report (original and four copies) in writing and under oath, to the Commission monthly, for each billing period and for each purchaser, the billing determinants of natural gas sales to such purchasers, and the revenues resulting therefrom as computed under the tariff sheets in effect immediately prior to October 16, 1963, and under the tariff sheets herein allowed to become effective, together with the differences in the revenues so computed.

(D) As a condition of this order, Midwestern shall execute and file in triplicate with the Secretary of this Commission, its written agreement and undertaking to comply with the terms of paragraph (C) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheet involved as follows:

Agreement and Undertaking of Midwestern Gas Transmission Company to comply with the Terms and Conditions of paragraph (C) of Federal Power Commission's Order Is-

of Federal Power Commission's Order Issued ______, 1963, in Docket No. ______
In conformity with the requirements of the order issued ______, 1963, in Docket No. _____, Midwestern Gas Transmission Company hereby agrees and undertakes to comply with the terms and conditions of Paragraph (C) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors,

a certified copy of which is appended hereto this _____ day of _____, 1963. MIDWESTERN GAS TRANSMISSION COMPANY,

President.

Attest:

Secretary.

(E) If Midwestern shall, in conformity with the terms and conditions of its agreement and undertaking, make the refunds as may be required by order of the Commission in this proceeding, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(F) This proceeding shall be presided over by Examiner Ewing G. Simpson, or any other officer or officers who may be designated by the Chief Examiner for that purpose, who will control the proceeding until the completed record is certified to the Commission.

(G) Midwestern shall file with the Commission and serve upon the Presiding Examiner, the Staff and all other parties, on or before November 12, 1963, the material required to be filed for a major rate increase under § 154.63 of the Commission's regulations under the Natural Gas Act.

(H) The Commission Staff and all interveners proposing to present evidence in this proceeding shall serve their testimony and exhibits upon the Presiding Examiner and all parties on or before December 13, 1963.

(I) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a pre-hearing conference before the Presiding Examiner shall commence at 10:00 a.m., e.s.t., on January 6, 1964, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, for the purpose of defining the issues, reaching an agreement and stipulation thereon and on any facts relevant to this matter, and, if necessary to prescribe procedure for hearing herein giving effect to the Commission's intent that this matter be expedited.

(J) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure, §§ 1.8 and 1.37(f) (18 CFR 1.8, 1.37(f)), on or before November 12, 1963.

By the Commission.

[SEAL]

Gordon M. Grant, Acting Secretary.

[F.R. Doc. 63-11060; Filed, Oct. 18, 1963; 8:45 a.m.]

[Docket Nos. CP60-122, CP61-203]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Motion To Amend

OCTOBER 14, 1963.

Take notice that on August 29, 1963, Texas Eastern Transmission Corporation (Movant) with its principal place of business in Houston, Texas, filed in Docket Nos. CP60-122 and CP61-203 a motion to amend the Commission's or-

der, issued December 17, 1962, in said dockets to effect a reduction in the additional volumes of natural gas authorized by the order to be sold and delivered to two customers, the Penn Fuel Group Companies and the Shippensburg Gas Company, and in addition to reflect the change of names of three of the companies composing the Penn Fuel Group Companies, all as more fully set forth in the motion to amend on file with the Commission and open to public inspection.

The motion states that the subject order authorized Movant, among other things, to sell and deliver an additional Maximum Daily Quantity of 3,999 Mcf ¹ of natural gas to the Penn Fuel Group Companies consisting of Ashland Gas Light Company, Hamburg Gas and Fuel Company, Huntingdon Gas Company, Lewistown Gas Company, Mt. Carmel Citizens Gas Company, and Pottsville Gas Company, and 398 Mcf of natural Gas to Shippensburg Gas Company (Shippensburg). Since issuance of the subject order, the Penn Fuel Group has experienced cutbacks by certain of their industrial customers. This, combined with an increase in requirements of one member of the Penn Fuel Group, results in a net reduction of 2,275 Mcf of natural gas per day for the Group as a whole which makes their additional volumes required a total of only 1,724 Mci in lieu of the authorized increase of 3,999 Mcf granted in the subject order In addition, two communities served by Shippensburg have demonstrated a need for additional volumes of 289 Mcf per day over and above those presently authorized. The involved customers have therefore requested Movant to make the necessary adjustments. They are a follows:

Customers	Originally authorized additional volumes	Desired additional volumes Mcl/Day at 14.73 psia
Penn Fuel Group CosShippensburg Gas Co	3, 999- 398	1,72 65

In addition, Movant states that sub sequent to issuance of the subject orde three companies of the Penn Fuel Grou have undergone name changes which are as follows:

Old name New name
Ashland Gas Light Co._ Ashland Gas Co.
Hamburg Gas and Fuel

Co Hamburg Gas Co.
Mt. Carmel Citizens
Gas Co._____ Mt. Carmel Gas Co.

Movant contends that the requeste reduction of the additional volumes au thorized is not needed by any of the Penn Fuel Group Companies or Ship pensburg to render adequate natural gaservice in the areas served by them. O

¹ All volumes are at a pressure base of 14.73 psia.

² Of the additional volumes authorized i be delivered to the Penn Fuel Group Companies, 1,785 Mcf was authorized in Dock No. CP60-122 and 2,214 Mcf was authorize in Docket No. CP61-203.

the other hand, amending the order of December 17, 1962, in accordance with its motion will make this volume of gas available to others along Movant's pipeline system for distribution to the general public.

Protests, petitions to intervene, or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington-25, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 5. 1963.

GORDON M. GRANT, Acting Secretary.

F.R. Doc. 63-11062; Filed, Oct. 18, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 882]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 16, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66109. By order of October 15, 1963, the Transfer Board approved the transfer to Nolte Bros. Truck Line, Inc., Farnhamville, Iowa, of Certificates in Nos. MC 25869, MC 25869

(Sub-No. 2), MC 25869 (Sub-No. 3), MC 25869 (Sub-No. 6), MC 25869 (Sub-No. 8), MC 25869 (Sub-No. 9), and MC 25869 (Sub-No. 11), issued August 26, 1954, May 9, 1956, September 26, 1956, February 21, 1958, December 1, 1959, April 26, 1960, and April 20, 1962, in the name of Myron R. Nolte and Maurice D. Nolte, a partnership, doing business as Nolte Bros., Farnhamville, Iowa, authorizing the transportation of livestock, agricultural products, feed, agricultural machinery, road building machinery, flour, hardware, furniture, heating equipment, and petroleum products, in containers, over regular routes, between Auburn, Iowa, and Omaha, Nebr., serving the intermediate and off-route points of Dedham, Iowa, and those within 15 miles of Auburn; general commodities, excluding household goods, between Churdan, Iowa, and Omaha, serving all intermediate and off-route points within 25 miles of Churdan; from Churdan, Iowa, to Chicago, Ill., serving all intermediate and off-route points within 25 miles of Churdan; from Chicago, Ill., to Churdan, Iowa, serving all intermediate and offroute points within 25 miles of Churdan; general commodities, excluding household goods and commodities in bulk, serving Portage, Ind., as an off-route point in connection with carrier's regular route operations to and from Chicago, Ill.: over irregular routes, livestock, from Lohrville, Iowa and points within 25 miles thereof to Omaha, Nebr.; farm implements and machinery, feed, livestock, petroleum products, and paint, from Omaha, Nebr., to Lohrville, Iowa, and points within 25 miles thereof; dry fertilizer, and dry fertilizer ingredients, in bulk adn bags, from Omaha, Nebr., to Lohrville, Iowa and points within 25 miles of Lohrville; and from Omaha, Nebr., to points within 15 miles of Auburn, Iowa; feeds and lumber, from Omaha, Nebr., to points in Greene and Calhoun Counties, Iowa and specified area in Webster County, Iowa, and thence along Webster County Line to the point of beginning, including points on the indicated portion of the highway specified; wallpaper, from Joliet, Ill., to points in the Iowa territory specified above: feeds, farm implements and machinery, hardware, twine, roofing materials, wire, steel fencing and posts, and reinforcing steel, from Chicago, Sterling, Forest Park, Canton, Rockford, Rock Falls, Streator, Rock Island, Moline and East Moline, Ill., to points in the above described Iowa territory; livestock, between points in the above-specified Iowa territory, on the one hand, and, on the other, Chicago, Ill., and Omaha, Nebr.; agricultural implements, from Richmond, Ind. to points in Boone, Buena Vista, Calhoun, Carroll, Clay, Dickinson, Franklin, Greene, Hamilton, Hardin, Humboldt, Palo Alto, Pocahontas, Sac-Story, Webster, and Wright Counties, Iowa: malt beverages, from St. Louis, Mo., to Fort Dodge and Carroll, Iowa; from Milwaukee, Wis., to Carroll, Iowa; from Waukesha, Wis., to Carroll, Iowa; from St. Louis, Mo., to Britt, Iowa; and empty malt beverage containers, on return from the above points. Donald E. Leonard, 605 South 14th Street, Box 2028, Lincoln, Nebr., attorney for applicants.

No. MC-FC 66317. By order of October 15, 1963, the Transfer Board approved the transfer to L. & B. Express, Inc., a Kentucky corporation, Frankfort, Ky., of Certificate in No. MC 118610, issued July 2, 1963, to L. & B. Express, Incorporated, an Indiana corporation, Frankfort, Ky., authorizing the transportation, over irregular routes, of: Contractor's heavy construction, excavating, mining, and road building machinery and equipment, with exceptions, used in the gas and petroleum industry, between points in Illinois, Indiana, and Kentucky. Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky., attorney for applicants.

[SEAL] HAROLD D. McCOY, Secretary.

[F.R. Doc. 63-11069; Filed, Oct. 18, 1963; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—OCTOBER

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